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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91238728
Party	Plaintiff Birds Eye Foods LLC
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Submission	Stipulated/Consent Motion to Extend
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Date	09/04/2019
Attachments	Motion_to_Extend.pdf(105268 bytes)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on September 4th, 2019.

/Michelle Alvey/

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial Nos. 87168679, 87168692

BIRDS EYE FOODS LLC,)

Opposer)

Opposition No. 91238728

v.)

PARIS CROISSANT CO., LTD.,)

Applicant)

**CONSENT MOTION TO EXTEND FOR SETTLEMENT DISCUSSION
AND STATUS REPORT**

Pursuant to the TTAB’s condition in its July 12, 2019 order granting the extension of all dates in the above-referenced matter, the parties hereby submit the following Consent Motion for Extension and Status Report.

The history of the discussions and the recent updates are set forth below. Further, as noted in the prior status report, due to a change in legal representation for Opposer, the parties have required additional time to conduct the settlement discussions and to exchange a written draft agreement. In addition, Applicant is located in S. Korea, which requires more time to communicate settlement offers back and forth with regard to local Korean counsel and required translations.

The parties would appreciate the Board's understanding in continuing to grant extensions as needed while the parties work to resolve this matter.

STATUS REPORT

The parties communicated various settlement offers and positions as follows:

- Feb. 1, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement March 14, 2018 – discovery conference conducted by phone between Applicant's counsel and Opposer's prior counsel
- March 27, 2018 – email from Opposer's prior counsel to Applicant's counsel regarding settlement
- May 4, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement
- August 17, 2018 - email from Opposer's prior counsel to Applicant's counsel regarding settlement
- August 29, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement
- November 28, 2018 – telephone discussion with Applicant's counsel and Opposer's prior counsel regarding settlement
- Dec. 17, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement
- March 1, 2019, email from Applicant's counsel to Opposer's prior counsel regarding request for status update on latest settlement position
- March 21, 2019 - email from Opposer's prior counsel to Applicant's counsel regarding settlement
- May 1, 2019, email from Applicant's counsel to Opposer's prior counsel regarding request for Opposer's prior counsel to prepare written settlement agreement for review
- June 13, 2019 - email from Opposer's prior counsel to Applicant's counsel regarding notification that Opposer was purchased by Conagra and new counsel would be appointed

- June 26, 2019 – new counsel for Opposer entered an appearance and notified Applicant's counsel that a written settlement agreement was being prepared for review
- July 5, 2019 – The parties filed a joint motion to extend the deadlines to provide time for new counsel for Opposer to review the file and prepare a draft settlement agreement
- July 12, 2019 – The motion was granted by the Board
- August 13, 2019 – Counsel for Opposer sent a draft settlement agreement to counsel for Applicant for review and comments
- Applicant is reviewing the draft agreement and the parties require additional time to work to finalize an agreement

The general nature of each communication above consisted of various points of a proposed written settlement agreement that would result in registration of Applicant's marks with revised goods/services and withdrawal of opposition by Opposer. With the change of ownership of Opposer and change of representation of Opposer, it took some additional time to prepare a written settlement agreement incorporating the terms previously discussed by the parties. The parties will continue to actively work towards a final resolution of the matter.

Applicant and Opposer have conferred with regard to the content of this Consent Motion for Extension and Status Report, and Opposer has consented to the relief requested. The Parties request that the deadlines in this proceeding be extended for 60 days to allow the parties to work on a written settlement agreement. The parties request a 60 day extension, and that the deadlines be reset as follows:

	Current Schedule	Proposed Schedule
Initial Disclosures Due	09/05/2019	11/04/2019
Expert Disclosures Due	01/03/2020	03/03/2020
Discovery Closes	02/02/2020	04/02/2020
Plaintiff's Pretrial Disclosures Due	03/18/2020	05/17/2020
Plaintiff's 30-day Trial Period Ends	05/02/2020	07/01/2020
Defendant's Pretrial Disclosures Due	05/17/2020	07/16/2020
Defendant's 30-day Trial Period Ends	07/01/2020	08/30/2020
Plaintiff's Rebuttal Disclosures Due	07/16/2020	09/14/2020
Plaintiff's 15-day Rebuttal Period Ends	08/15/2020	10/14/2020
Plaintiff's Opening Brief Due	10/14/2020	12/13/2020
Defendant's Brief Due	11/13/2020	01/12/2021
Plaintiff's Reply Brief Due	11/28/2020	01/27/2021
Request for Oral Hearing (optional) Due	12/08/2020	02/06/2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been duly served on the Applicant by mailing a copy of same via electronic mail on this 4th day of September 2019 to:

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