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Filing date: **03/03/2020**

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

Proceeding	91238728
Party	Defendant Paris Croissant Co., Ltd.
Correspondence Address	MIRIAM TRUDELL SHERIDAN ROSS PC 1560 BROADWAY, SUITE 1200 DENVER, CO 80202 UNITED STATES mtrudell@sheridanross.com 303-863-9700
Submission	Stipulated/Consent Motion to Extend
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Signature	/miriam trudell/
Date	03/03/2020
Attachments	motion to extend 3 March 2020.pdf(163237 bytes)

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

BIRDS EYE FOODS LLC,)
)
 Opposer) Opposition No. 91238728
) Mark:



v.) Serial Nos. 87168679, 87168692
)
 PARIS CROISSANT CO., LTD.,)
)
 Applicant)

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

Pursuant to the TTAB’s condition in its May 16, 2019 order granting the extension of all dates in the above-referenced matter, that the Parties submit a status report in support of any future motions to extend, Applicant, Paris Croissant Co., Ltd. submits the following Consent Motion for Extension and Status Report.

With regard to the status report, the following lays out the requested updates. The parties are very close to settlement, it is simply a matter of getting a settlement agreement signed by both parties, one of which 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.

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
- Sept. 4, 2019 – The parties filed a joint motion to extend the deadlines to provide time for Applicant to review and comment on the draft settlement agreement
- Sept. 10, 2019 – The motion was granted by the Board
- November 4, 2019 - The parties filed a joint motion to extend the deadlines to provide time for Applicant to review and comment on the draft settlement agreement
- November 25, 2019 - The motion was granted by the Board and Applicant provided its comments to the draft agreement on this date
- December 31, 2019 - The parties filed a joint motion to extend the deadlines to provide time for the parties to review and comment on the draft settlement agreement, and was necessary because of the holidays.
- January 18, 2020 – The motion was granted by the Board.
- March 3, 2020 – The parties have reached a settlement, are in the process of getting the settlement agreement fully executed.

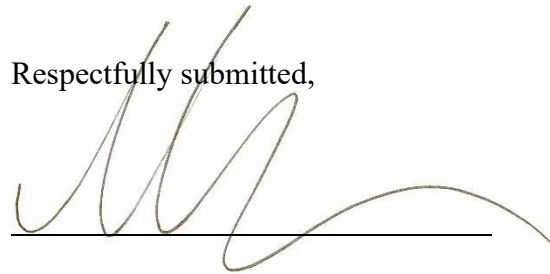
Applicant and Opposer have conferred with regard to the content of this Consent Motion for Suspension and Status Report, and Opposer has consented to the relief requested. The Parties request that the deadlines in this proceeding be extended for 30 days to allow the parties to get the settlement agreement fully executed. The parties request a 30 day extension, and that the deadlines be reset as follows:

	Current Schedule	Proposed Schedule
Initial Disclosures Due	03/03/2020	04/02/2020
Expert Disclosures Due	07/01/2020	07/31/2020
Discovery Closes	07/31/2020	08/30/2020
Plaintiff's Pretrial Disclosures Due	09/14/2020	10/14/2020
Plaintiff's 30-day Trial Period Ends	10/29/2020	11/28/2020
Defendant's Pretrial Disclosures Due	11/13/2020	12/13/2020
Defendant's 30-day Trial Period Ends	12/28/2020	01/27/2021
Plaintiff's Rebuttal Disclosures Due	01/12/2021	02/11/2021
Plaintiff's 15-day Rebuttal Period Ends	02/11/2021	03/13/2021
Plaintiff's Opening Brief Due	04/12/2021	05/12/2021
Defendant's Brief Due	05/12/2021	06/11/2021
Plaintiff's Reply Brief Due	05/27/2021	06/26/2021
Request for Oral Hearing (optional) Due	06/06/2021	07/06/2021

Date: March 3, 2020

Respectfully submitted,

By:



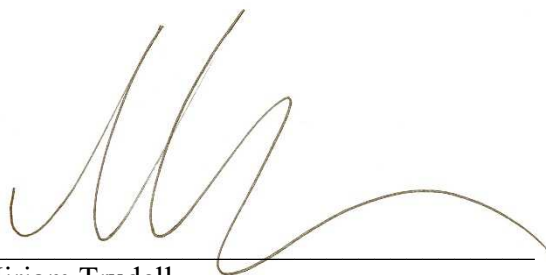
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**ATTORNEYS FOR APPLICANT
PARIS CROISSANT CO., LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2020 a true and correct copy of the **CONSENT MOTION TO EXTEND FOR SETTLEMENT DISCUSSION AND STATUS REPORT** was served by email only to:

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A handwritten signature in black ink, appearing to read 'MT', is written over a horizontal line.

Miriam Trudell