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

Proceeding	91241497
Party	Defendant Kiddy Learning Center, LLC
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Date	10/06/2020
Attachments	KIDDY LEARNING STATION-- Motion to Suspend with Progress -- Filing Co py Oct 6 2020.pdf(42738 bytes )

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

Serial Number: 87/636,200

Mark: KIDDY LEARNING STATION

Essential Brands, Inc.	)	
	)	
Opposer,	)	
	)	
vs.	)	
	)	Opposition No. 91241497
Kiddy Learning Center, LLC	)	
	)	
Applicant.	)	

**Motion for Suspension With Consent**

Subject to the parties’ previous agreement with respect to the effects of current settlement negotiations, the parties are engaged in negotiations for the settlement of this matter. Kiddy Learning Center, LLC (“Applicant”) – with the consent of Essential Brands, Inc. (“Opposer”) – requests that this proceeding be suspended for 30 days to allow the parties to continue their settlement efforts. To that end, the parties desire to suspend all deadlines, resulting in the following revised schedule.

**Proceeding to resume on 11/1/2020.**

	<b>Current Schedule</b>	<b>Proposed Schedule</b>
Plaintiff's 30-day Trial Period Ends	11/3/2020	12/03/2020
Defendant's Pretrial Disclosures Due	11/18/2020	12/18/2020
Defendant's 30-day Trial Period Ends	01/02/2021	02/01/2021
Plaintiff's Rebuttal Disclosures Due	01/17/2021	02/16/2021
Plaintiff's 15-day Rebuttal Period Ends	02/16/2021	03/18/2021

Plaintiff's Opening Brief Due	04/17/2021	05/17/2021
Defendant's Brief Due	05/17/2021	06/16/2021
Plaintiff's Reply Brief Due	06/01/2021	07/01/2021
Request for Oral Hearing (optional) Due	06/11/2021	07/11/2021

The Board has ordered that the parties report on the progress of their settlement negotiations. To that end, the parties note that they continue to negotiate a settlement, the terms of which would result in the disposition of the dispute (and an eventual dismissal of the pending Opposition). Specifically, the parties have exchanged drafts of a settlement agreement contemplating broad terms on which the Parties have earlier expressed alignment. Remaining issues are the specifics of Agreement, and the Parties are in the process of negotiating specific written settlement terms. To that end, as recently as Wednesday, September 30, 2020, Applicant sent a redline to the draft settlement agreement to Opposer's counsel, and Opposer's counsel is discussing that draft with Opposer. As a result, the parties are working together to resolve all outstanding issues and will use the additional time to finalize the settlement agreement (if appropriate) and circulate for signature. The parties assure the Board that they are working diligently and in good faith to try to complete this matter without further suspensions in an effort to conserve both the Board's and the parties' resources.

As such, the parties require further time to finalize negotiations, drafting and execution of the settlement agreement, if appropriate. The parties expect that additional substantial progress will continue to be made in the next 30 days and note that, if additional time should be necessary, the parties will inform the Board accordingly. This suspension will not prejudice either party nor unduly delay the proceedings. Applicant has secured the express consent of Opposer for the suspension and resetting of dates requested herein.



**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, on the 6<sup>th</sup> day of October, 2020, by sending a copy via e-mail to the following address (as agreed to by the parties):

larnold@nixonpeabody.com  
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/s/Laila S. Wolfgram  
Laila S. Wolfgram

**Certificate of ESTTA Filing**

I hereby certify that a copy of the foregoing paper was filed electronically with the Trademark Trial and Appeal Board via ESTTA on the 6<sup>th</sup> day of October, 2020.

/s/Laila S. Wolfgram  
Laila S. Wolfgram