

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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March 21, 2019

Opposition No. 91242728 (parent)
Opposition No. 91242944

Louisiana Spirits, LLC

v.

Serio Southern Spirits, LLC

**Denise M. DelGizzi,
Chief Clerk of the Board:**

The Board has received, via courier, a copy of Applicant's settlement communication to Opposer's counsel dated February 11, 2019. Although the Board encourages settlement discussions, the Board does not involve itself in such discussion and copies of settlement communications generally should not be filed with the Board. In fact, settlement communications generally are not admissible as evidence. *See* Federal Rule of Evidence 408; *see also Lebanon Seaboard Corp. v. R&R Turf Supply Inc.*, 101 USPQ2d 1826, 1830 (TTAB 2012) (references to settlement discussions not admissible under Federal Rule of Evidence 408, which prohibits the use of such negotiations to prove or disprove a disputed claim).

Accordingly, the Board will not enter the settlement correspondence into the record for this proceeding, but instead will return the correspondence to Applicant.¹

Proceedings remain suspended pursuant to the Board's order dated March 1, 2019, and will resume on the schedule set forth in that order.

¹ Applicant is reminded that absent an acceptable showing of technical difficulties or extraordinary circumstances, all otherwise proper submissions to the Board must be filed by ESTTA, the Board's electronic filing system. *See* Trademark Rule 2.126(a) and (b), 37 C.F.R. § 2.126(a) and (b).