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

Proceeding no.	91243229
Party	Plaintiff Luxottica Group S.P.A.
Correspondence address	KAREN KREIDER GAUNT DINSMORE & SHOHL LLP 255 EAST FIFTH STREET SUITE 1900 CINCINNATI, OH 45202 UNITED STATES Primary email: karen.gaunt@dinsmore.com Secondary email(s): govinda.davis@dinsmore.com, robin.bissantz@dinsmore.com, trademarks@dinsmore.com 513-977-8200
Submission	Motion to Suspend for Settlement Discussions
Filer's name	Karen Kreider Gaunt
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Signature	/Karen Kreider Gaunt/
Date	04/27/2022
Attachments	Luxottica v Wayfarer Opp 91243229 - Stip Motion for Suspension.pdf(92469 bytes)

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

In the Matter of Application Serial No. 87/690,818
Published on June 26, 2018

Luxottica Group S.p.A.,)	
)	
Opposer,)	Opposition No. 91243229
)	
v.)	Mark: WAYFARER
)	
Wayfarer Development Ltd. f/k/a)	
TIJ Limited,)	
)	
Applicant.)	
_____)	

STIPULATED MOTION FOR SUSPENSION OF TTAB PROCEEDINGS

Opposer Luxottica Group S.p.A. (“Luxottica”) and Applicant Wayfarer Development Ltd. f/k/a TIJ Limited (“Applicant”), pursuant to Trademark Rule 2.117(c) (37 C.F.R. § 2.117(c)), and Section 510.03 of the Trademark Trial and Appeal Board Manual of Procedure (hereinafter referred to as “TBMP”), hereby move the Trademark Trial and Appeal Board for an additional suspension of the proceedings in Opposition No. 91243229. Luxottica and Applicant hereby submit this Stipulated Motion for Suspension based on the Parties’ progress on settlement proceedings since its last Motion for Suspension, filed on January 26, 2022 and granted by the Board on February 2, 2022. This Stipulated Motion is supported by good cause.

Per the Board’s orders dated October 27, 2021, and December 7, 2021 the Board requires a showing of good cause be provided for suspension requests and must indicate: 1. The status of the parties’ settlement negotiations, including when the last settlement proposal was sent, by whom, and when a response is expected; 2. A recitation of the issues that have been resolved since the

commencement of this proceeding and a list of issues that remain to be resolved; and 3. A timetable for resolution.

Luxottica and Applicant report that they have made additional progress on reaching an agreement to resolve and settle this matter, and believe that the Parties have reached final agreement on the primary terms upon which this matter can settle. As such, the Parties meet all elements for a showing of good cause. Namely:

(1) The status of the parties' settlement negotiations, including when the last settlement proposal was sent, by whom, and when a response is expected. Since January 26, 2022 (the date of the Parties' last request for suspension of the proceedings), the Parties have communicated regarding settlement on February 18, 2022; March 29, 2022; April 5, 2022; and April 25, 2022. See Declaration of Karen Kreider Gaunt ("Gaunt Declaration") attached hereto as "Exhibit A" at ¶ 4. The communications referenced above have been by e-mail discussing the terms upon which the parties may be willing to resolve the opposition. *See* Gaunt Declaration at ¶ 5.

(2) The last settlement proposal was sent by Opposer on February 18, 2022, in which Opposer expressed its continued willingness to revisit prior potential settlement terms, provided a general framework in which Opposer would be willing to resolve the matter and raised a remaining issue regarding a requested modification to the appearance of Applicant's mark. Applicant responded in substance to this communication on April 5, 2022 with its indication of agreement to most of the terms proposed by Opposer, and a counterproposal with respect to one term relative to Applicant's potential modification of use and registration of its mark moving forward. Opposer accepted this counterproposal on April 25, 2022. *See* Gaunt Declaration at ¶ 6.

(3) A recitation of the issues that have been resolved since the commencement of this proceeding and a list of issues that remain to be resolved. The Parties have agreed to the following, in principal: (1) Applicant's amendment and limitation to its identification of services in Class 035; and (2) Applicant's agreement relative to certain limitations to the field of use for Applicant's mark; and (3) Applicant's agreement relative to Opposer's trade dress; and (4) Applicant's modification to the appearance of Applicant's trademark in use and in future applications or registrations. *See* Gaunt Declaration at ¶ 7.

(4) A proposed timetable for resolution of the unresolved issues. The COVID19 crisis continues to affect both parties' ability to get things done quickly and move forward on settlement. Additionally, both parties are companies located outside of the United States. As to Luxottica, communications to the client in Italy must also be translated, discussed with, and decided upon by responsible individuals. Thus, it takes substantial time, even without the complications of the COVID19 pandemic, for both Parties to have the issues considered and have the appropriate individuals at the companies finalize the decisions. The Parties need additional time to document the agreed upon settlement terms in a written settlement agreement and hope to have a definitive agreement prepared, negotiated and signed by July 30, 2022. *See* Gaunt Declaration at ¶ 8.

Counsel for Applicant agreed to a ninety-day suspension in an e-mail on April 27, 2022.

This Stipulated Motion for Suspension is made for the foregoing reasons and is not made for the purpose of undue delay in proceedings in the Trademark Trial and Appeal Board. It is submitted that the Parties have shown good cause in support of the Motion for Suspension.

Accordingly, the Parties respectfully move for the discovery and testimony periods to be suspended for ninety days and rescheduled as follows. Please note that the dates below are extended by ninety days from the date of the previous motion to suspend (D.N. 55).

Action	Current Date	New Date
Answer Due	Closed	
Deadline for Discovery Conference	Closed	
Discovery Opens	Closed	
Initial Disclosures Due	Closed	
Expert Disclosures Due	Closed	
Discovery period to close	Closed	
Plaintiff Pretrial Disclosures	Closed	
Plaintiff's 30-day Trial Period ends	Closed	
Defendant's Pretrial Disclosures	Closed	
Defendant's 30-day Trial Period ends	Closed	
Plaintiff's Rebuttal Disclosures	Closed	
Plaintiff's 15-day Rebuttal Period ends	Closed	
Suspension Ends	April 18, 2022	July 18, 2022
Plaintiff's Opening Brief Due	April 28, 2022	July 28, 2022
Defendant's Brief Due	May 27, 2022	August 28, 2022
Plaintiff's Reply Brief Due	June 14, 2022	September 12, 2022
Request for Oral Hearing (Optional) due	June 22, 2022	September 22, 2022

Date: April 27, 2022

s/ Karen Kreider Gaunt /

 Karen Kreider Gaunt
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 Attorneys for Opposer, Luxottica Group
 S.p.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following by e-mail on counsel of record, this 27th day of April, 2022:

Geza C. Ziegler, Jr.
Ziegler IP Law Group LLC.
3135 Easton Turnpike, Shu Ihub, W-256
Fairfield, CT 06825 gziegler@gziplaw.com
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s/Karen Kreider Gaunt/

Karen Kreider Gaunt
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EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Application Serial No. 87/690,818
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Opposer,)	Opposition No. 91243229
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v.)	Mark: WAYFARER
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Wayfarer Development Ltd. f/k/a)	
TIJ Limited,)	
)	
Applicant.)	
_____)	

DECLARATION OF KAREN KREIDER GAUNT

I, Karen Kreider Gaunt, solemnly and truly declare under penalty of perjury as follows:

1. I am a member in good standing of the State of Ohio Bar, and have been admitted to practice before the United States District Court for the Southern District of Ohio and the Northern District of Ohio.
2. I am an attorney with the law firm of Dinsmore & Shohl, LLP. Dinsmore & Shohl, LLP is counsel for Luxottica Group S.p.A. (hereinafter “Luxottica”) in its opposition of the application owned by Wayfarer Development Ltd. f/k/a TIJ Limited (“Applicant”) for registration of the mark WAYFARER.
3. I submit this signed declaration in connection with the parties’ Consent Motion for Suspension. I have firsthand knowledge of the facts stated herein.

4. Since January 26, 2022 (the date of the Parties' last request for suspension of the proceedings), the Parties have communicated regarding settlement on February 18, 2022; March 29, 2022; April 5, 2022; and April 25, 2022.

5. The communications referenced above have been by e-mail discussing the terms upon which the parties may be willing to resolve the opposition.

6. The last settlement proposal was sent by Opposer on February 18, 2022, in which Opposer expressed its continued willingness to revisit prior potential settlement terms, provided a general framework in which Opposer would be willing to resolve the matter and raised a remaining issue regarding a requested modification to the appearance of Applicant's mark. Applicant responded in substance to this communication on April 5, 2022 with its indication of agreement to most of the terms proposed by Opposer, and a counterproposal with respect to one term relative to Applicant's potential modification of use and registration of its mark moving forward. Opposer accepted this counterproposal on April 25, 2022.

7. The Parties have agreed to the following, in principal: (1) Applicant's amendment and limitation to its identification of services in Class 035; and (2) Applicant's agreement relative to certain limitations to the field of use for Applicant's mark; and (3) Applicant's agreement relative to Opposer's trade dress; and (4) Applicant's modification to the appearance of Applicant's trademark both in use and as to future applications and registrations.

8. The Parties hope to have a definitive settlement agreement drafted, negotiated and signed by no later than July 30, 2022.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom,

declares that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Executed on April 27, 2022



Karen Kreider Gaunt