

ESTTA Tracking number: **ESTTA1101122**

Filing date: **12/11/2020**

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

| | |
|------------------------|--|
| Proceeding | 91243985 |
| Party | Defendant Medela Holding AG |
| Correspondence Address | JULIE B SEYLER ABELMAN FRAYNE & SCHWAB 666 THIRD AVENUE NEW YORK, NY 10017 UNITED STATES Primary Email: JBSeyler@lawabel.com Secondary Email(s): docket@lawabel.com, JBS@lawabel.com 212-949-9022 |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Aimee M. Allen |
| Filer's email | aallen@lawabel.com |
| Signature | /aimeemallen/ |
| Date | 12/11/2020 |
| Attachments | MOTHER S MILK EVERYDAY AMAZING Consented Motion to Suspend.pdf(76627 bytes) |

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

| | | |
|--|---|-------------------------|
| TRADITIONAL MEDICINALS, INC. Opposer, | : | |
| v. | : | Opposition No. 91243985 |
| MEDELA HOLDING AG Applicant. | : | |

CONSENTED MOTION TO SUSPEND

On October 13, 2020, the Board granted Applicant’s consented motion to further suspend this proceeding for 90-days for good cause shown because the Parties are negotiating for a possible settlement of this case. The Board also advised the Parties that in the event that either party files a further motion to extend or suspend, they must provide a status report. With this filing, the Parties jointly seek a further 90-day suspension, as they are continuing to negotiate the terms of a potential settlement. The status of negotiations and the good cause for further suspension are as set forth below.

The Parties have been discussing the terms of co-existence in specificity for some time, exchanging and discussing term sheets and potential agreement exhibits recently. The Parties continue to actively work on a settlement that concerns the terms under which the Parties might co-exist in the marketplace. There appears to be agreement on certain core issues, however additional issues, specifically regarding exceptions to core terms are still under discussion. Applicant has prepared a draft settlement agreement which was under review by Opposer’s counsel and which is now the subject of ongoing discussions with regard to specific terms.

Opposer's counsel has offered to draft alternative and additional terms for the possible agreement. The Parties are currently discussing specific terms that will limit each Party's use to address the different areas of commerce in which each Party is active. The Parties hope to resolve all issues via these terms and their written expression in the agreement that is now under discussion. However, the Parties need additional time to finalize the expression of the core issues of agreement as well as additional terms that are still under discussion, thus both Parties agree that this motion is necessary, and counsel for Opposer has provided its consent thereto.

This suspension request is not made for purposes of delay, but seeks to allow the Parties to continue to work on a detailed agreement that concerns the Parties' co-existence and use of their respective marks. The Parties respectfully request that the Board grant the 90-day suspension and issue a new trial schedule to which the Parties can abide. If the motion is denied, Applicant requests that the Board grant it sufficient to time to again seek suspension or file its answer.

Respectfully submitted,

Date: December 11, 2020

/aimeemallen/
AIMEE M. ALLEN
Attorneys for Applicant

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
(212) 949-9022

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via email this
11th day of December, 2020 upon the following:

jjohnson@tradmed.com
galbers@tradmed.com
jpeterson@tradmed.com

Jeremy Johnson
Traditional Medicinals, Inc.
1400 Valley House Drive, Suite 120
Rohnert Park, CA 94928

/aimeemallen/ _____
AIMEE M. ALLEN