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Filing date: **09/24/2021**

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

Proceeding	91246098
Party	Defendant Priddy Learning Academy, Inc.
Correspondence Address	LYNN E. RZONCA BALLARD SPAHR LLP 1735 MARKET STREET 51ST FLOOR PHILADELPHIA, PA 19103-7599 UNITED STATES Primary Email: rzoncal@ballardspahr.com Secondary Email(s): tmdocketing@ballardspahr.com 215-864-8109
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lynn E. Rzonca
Filer's email	rzoncal@ballardspahr.com, tmdocketing@ballardspahr.com
Signature	/Lynn E. Rzonca/
Date	09/24/2021
Attachments	Priddy 91246098.pdf(152189 bytes)

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

Macmillan Publishing Group LLC,	:	
	:	
Opposer,	:	
	:	Opposition No. 91246098
v.	:	
	:	
Priddy Learning Academy, Inc.,	:	Mark: PRIDDY LIVE
	:	
Applicant.	:	

**JOINT RESPONSE TO AUGUST 10, 2021 ORDER REGARDING
STATUS OF SETTLEMENT**

Opposer and Applicant hereby submit this Joint Response to August 10, 2021 Order requesting a status of settlement in the captioned proceeding.

On July 28, 2021, Applicant filed a consented motion to extend trial dates in view of the parties’ ongoing settlement in this and three other related proceedings, Opposition Nos. 91244457, 91248644, 91252793. On August 10, 2021, the Board issued an Order requiring a status report on the settlement for any future consented requests for extensions of time. The parties now submit the following settlement status report for a further extension of time. The parties note that they have exchanged the outline of a written settlement agreement that will resolve the identified Opposition proceedings. Progress on the agreement has continued, include a video conference and continued emails between counsel, as well as counsel-client discussions.

Requested Information	Response
1. All dates on which the parties communicated during the previous period of suspension, and the method of each communication	<ul style="list-style-type: none"> ● 9/24/2021 counsel-to-counsel email regarding the draft settlement agreement and status of proceeding ● 9/22/2021 counsel-to-client email regarding the

	<p>draft settlement agreement and status of proceeding</p> <ul style="list-style-type: none"> • 8/27/2021 counsel-to-client email regarding the draft settlement agreement and status of proceeding • 8/13/2021 counsel-to-client email regarding the draft settlement agreement and status of proceeding • 8/11/2021 counsel-to-client email regarding the draft settlement agreement and status of proceeding
2. The general nature of each communication	See above
3. The issues that have been resolved	<ul style="list-style-type: none"> • The parties' desire to resolve all 4 Oppositions amicably • The parties' agreement to create a co-existence agreement • The marks to be covered by the co-existence agreement • The territory of the co-existence agreement • The handling of releases • The cooperation in avoiding confusion
4. The issues that remain to be resolved	<ul style="list-style-type: none"> • The description of the fields of each parties' use of its respective marks • The description of the parties' respective prior uses of their marks
5. A proposed timetable for resolution of the issues	The parties request until October 26, 2021 during which to resolve the issues.
6. Proposed extension of trial and discovery dates	<p>Deadline for Discovery Conference: 11/25/2021 Discovery Opens: 11/25/2021 Initial Disclosures Due: 12/25/2021 Expert Disclosures: Due 4/24/2022 Discovery Closes: 5/24/2022 Plaintiff's Pretrial Disclosures Due: 8/7/2022 Plaintiff's 30-day Trial Period Ends: 8/22/2022</p>

	Defendant's Pretrial Disclosures Due: 11/5/2022 Defendant's 30-day Trial Period Ends: 11/19/2022 Plaintiff's Rebuttal Disclosures Due: 11/5/2022 Plaintiff's 15-day Rebuttal Period Ends: 12/5/2022 Plaintiff's Opening Brief Due: 2/3/2023 Defendant's Brief Due: 3/5/2023 Plaintiff's Reply Brief Due: 3/20/2023 Request for Oral Hearing (optional) Due: 3/30/2023
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Date: September 24, 2021

Respectfully submitted,

<p><u>/s/ Alexandra Nicholson</u> Alexandra Nicholson Davis Wright Tremaine LLP 1251 Avenue of the Americas, 21st Floor New York, NY 10020 Tel: (212) 603-6433 Fax: (212) 379-5233 Email: allienicholson@dwt.com Attorney for Opposer</p>	<p><u>/s/ Lynn E. Rzonca</u> Lynn E. Rzonca BALLARD SPAHR LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103 Tel: (215) 864-8109 Fax: (215) 864-8999 Email: tmdocketing@ballardspahr.com Attorney for Applicant</p>
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CERTIFICATE OF SERVICE

I hereby certificate that a true and complete copy of the foregoing Joint Response to August 10, 2021 Order Regarding Status of Settlement has been served on Alexandra Nicholson, Davis Wright Tremaine LLP, 1251 Avenue of The Americas, 21st Floor, New York, NY 10020 by forwarding said copy of September 24, 2021 via email to:

Alexandra Nicholson, Esquire
DAVIS WRIGHT TREMAINE LLP
1251 Avenue of the Americas, 21st Floor
New York, NY 10020
Email: allienicholson@dwt.com; NYC-Trademark@dwt.com

Signature: /Michael S. Shore/
Name: Michael S. Shore

Date: September 24, 2021