

ESTTA Tracking number: **ESTTA1120465**

Filing date: **03/15/2021**

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

Proceeding	91247656
Party	Plaintiff Tavistock Freebirds, LLC
Correspondence Address	LORI T MILVAIN LATHAM SHUKER EDEN & BEAUDINE LLP 111 N MAGNOLIA AVE SUITE 1400 ORLANDO, FL 32801 UNITED STATES Primary Email: lmilvain@lseblaw.com 407-481-5813
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Lori T. Milvain
Filer's email	lmilvain@lathamluna.com
Signature	/ltm/
Date	03/15/2021
Attachments	Motion to Suspend and Rescheduling of Due Dates.pdf(90392 bytes )

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

Tavistock Freebirds, LLC,	)	Serial No. 87/121817
	)	
Opposer,	)	
	)	FREEBIRD
v.	)	
	)	
MobileOffer, Inc.,	)	
	)	Opposition No. 91247656
Applicant.	)	
_____	)	

**MOTION TO SUSPEND AND FOR RESCHEDULING OF DUE DATES**

For most of the calendar year 2020 the COVID-19 pandemic and the resulting disruption in the restaurant industry caused unparalleled challenges for the parties and these proceedings were delayed. Currently, counsel for Opposer has proposed to counsel for Applicant that the parties suspend the proceedings one additional time for thirty (30) days to explore a counter-settlement offer which has been emailed to counsel for Applicant. However, counsel for Applicant has not responded to emails and his voice mailbox is currently full, so no message can be left.

Under 37 CFR Section 2.117(c), the Trademark Trial and Appeal Board may suspend a proceeding for good cause shown, upon motion approved by the Board. Thus, Opposer respectfully requests suspension of the subject opposition proceeding No. 91247656 for thirty (30) days due to the extenuating circumstances brought on by the COVID-19 pandemic and due to a renewed and current effort toward settlement. It is requested that the dates listed in the Board's August 13, 2020 Order be extended out by thirty (30) days as follows:

Expert Disclosures Due:	April 15, 2021
Discovery Period to Close:	May 15, 2021

Plaintiff's Pretrial Disclosures:	June 29, 2021
Plaintiff's 30-day Trial Period Ends:	August 13, 2021
Defendant's Pretrial Disclosures:	August 28, 2021
Defendant's 30-day Trial Period Ends:	October 12, 2021
Plaintiff's Rebuttal Disclosures:	October 27, 2021
Plaintiff's 15-day Rebuttal Period Ends:	November 26, 2021
Plaintiff's Opening Brief:	January 25, 2022
Defendant's Brief:	February 24, 2022
Plaintiff's Reply Brief:	March 11, 2022
Request for Oral Hearing (optional):	March 21, 2022

Good cause exists to extend because the parties have not yet been able to connect regarding this suspension, and because the requested extension is short and is not sought for purposes of delay.

Dated this 15th day of March, 2021.

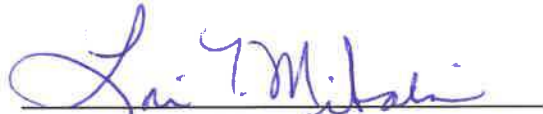
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*Attorneys for Opposer, Tavistock Freebirds,  
 LLC*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served on Applicant's attorney on March 15, 2021, by first class mail, postage prepaid, as well as via e-mail, at the following address:

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Lori T. Milvain