

ESTTA Tracking number: **ESTTA1120490**

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

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

Proceeding	91247656
Party	Defendant MobileOffer, Inc.
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Submission	Opposition/Response to Motion
Filer's Name	Benjamin B. Lieb
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Signature	/Benjamin B. Lieb/
Date	03/15/2021
Attachments	Opposition to Motion to Suspend.pdf(49764 bytes )

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

TAVISTOCK FREEBIRDS, LLC,  
Opposer,  
v.  
MOBILEOFFER, INC.  
Applicant.

Opposition No. 91247656  
Serial No. 87121817

**RESPONSE IN OPPOSITION TO MOTION TO  
SUSPEND FOR SETTLEMENT DISCUSSIONS**

Applicant, MobileOffer, Inc. (“Applicant”), by its attorneys, hereby responds in opposition to Opposer Tavistock Freebirds, LLC’s Motion to Suspend for Settlement Discussions. Opposer filed the motion as being “with consent” which is false.

Discovery in this opposition proceeding has been open since July 28, 2019. Opposer has had more than enough opportunity to take any necessary discovery for this proceeding. Yet, today, on the last day on which written discovery may be served and one day before expert disclosures are due under the current discovery schedule, Opposer suddenly sent Applicant an unsolicited and unreasonable settlement proposal. Opposer now uses this sudden presentation of an unreasonable settlement proposal as the basis for effectively seeking a thirty day extension of remaining discovery deadlines. Opposer also claims, without any explanation, that the COVID-19 pandemic has somehow delayed or impeded its discovery efforts which appears to be untrue as Opposer was able to serve written discovery today and deposition notices seeking to take those depositions by Zoom or equivalent remote technology.

There is no merit to Opposer's Motion to Suspend. Applicant respectfully requests that the motion be denied. Any settlement discussions between the parties can continue while this opposition proceeds on its current schedule. The registration of Application No. Serial No. 87121817 should not be further delayed.

Dated: March 15, 2021

Respectfully Submitted,

/Benjamin B. Lieb/

Benjamin B. Lieb  
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ATTORNEYS FOR APPLICANT

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing document has been served on Tavistock Freebirds, LLC by forwarding said copy on March 15, 2021 via email to Lori T. Milvain at lmilvain@lseblaw.com.

/Benjamin B. Lieb/