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Filing date: **06/11/2021**

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

Proceeding	91253221
Party	Defendant Milo's Tea Company, Inc.
Correspondence Address	ELIZABETH H COHEN ARENT FOX LLP 1301 AVENUE OF THE AMERICAS FLOOR 42 NEW YORK, NY 10019 UNITED STATES Primary Email: TMdocket@arentfox.com 212-484-3900
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Chiara Giuliani
Filer's email	tmdocket@arentfox.com, Elizabeth.Cohen@arentfox.com, Chiara.Giuliani@arentfox.com, Todd.Hopkins@arentfox.com
Signature	/Chiara Giuliani/
Date	06/11/2021
Attachments	Opposition No. 91253221.pdf(178182 bytes)

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

SOCIÉTÉ DES PRODUITS NESTLÉ S.A.)	
)	
Opposer)	
)	Opposition No. 91253221
v.)	
)	
MILO’S TEA COMPANY INC.)	
)	
Applicant)	

**MOTION FOR CONTINUATION OF SUSPENSION
WITH CONSENT**

Applicant, Milo’s Tea Company Inc., with Opposer’s consent, hereby moves that the current suspension be continued for one hundred and eighty (180) days and that all dates in the above referenced proceeding be reset as follows:

	Current Schedule	Proposed Schedule
Time to Answer	06/11/2021	12/09/2021
Deadline for Discovery Conference	07/11/2021	01/08/2022
Discovery Opens	07/11/2021	01/08/2022
Initial Disclosures Due	08/10/2021	02/07/2022
Expert Disclosures Due	12/08/2021	06/07/2022
Discovery Closes	01/07/2022	07/07/2022
Plaintiff’s Pretrial Disclosures Due	02/21/2022	08/21/2022
Plaintiff’s 30-day Trial Period Ends	04/07/2022	10/05/2022
Defendant’s Pretrial Disclosures Due	04/22/2022	10/20/2022
Defendant’s 30-day Trial Period Ends	06/06/2022	12/04/2022
Plaintiff’s Rebuttal Disclosures Due	06/21/2022	12/19/2022
Plaintiff’s 15-day Rebuttal Period Ends	07/21/2022	01/18/2023
Plaintiff’s Opening Brief Due	09/19/2022	03/19/2023
Defendant’s Brief Due	10/19/2022	04/18/2023
Plaintiff’s Reply Brief Due	11/03/2022	05/03/2023
Request for Oral Hearing (optional) Due	11/13/2022	05/13/2023

As required by the Board in its order dated January 15, 2021, the parties jointly submit the progress of the settlement discussions in support the motion for continued suspension. The parties are still actively negotiating to settle the opposition (as well as Consolidated Opposition

No. 91238261 (child - 91241692)) and believe that additional time is needed to reach an agreement. The parties' respective internal personnel are still working on options with regard to the current and future issues. Due to the ongoing pandemic, internal personnel changes in the marketing department at Applicant, and business proposals, consideration of these issues are taking longer than expected.

Below is a list of the most recent exchanges between the parties' attorneys:

- On March 1, 2021, Applicant's counsel sent an email to Opposer's counsel concerning settlement and both Applicant's counsel and Opposer's counsel exchanged various emails on the same date.
- On March 10, 2021 Applicant's counsel and Opposer's counsel held a conference call to discuss settlement.
- On March 22, 2021, the parties' attorneys exchanged emails on settlement.
- On April 14, 2021, Opposer's counsel followed up by email with Applicant' counsel concerning settlement.
- On April 26, 2021 Applicant's attorney responded by email.
- On May 12, Opposer's counsel and Applicant's counsel exchanged emails on the status of settlement negotiations.
- On May 18, 2021, attorneys for the parties held a conference call to discuss settlement.
- On June 3, 2021, Applicant's counsel sent a detailed email to Opposer's counsel with a counterproposal, including a list of terms for settlement.

Thus, the parties are actively working to reach an agreement and believe that the additional time is needed to complete settlement negotiations.

Applicant has secured the express consent of all other parties to this proceeding for the continuation of the suspension and resetting of dates requested herein.

Dated: June 11, 2021.

/s/ Elizabeth H. Cohen

Elizabeth H. Cohen
Chiara Giuliani
ARENT FOX LLP
1301 Avenue of the Americas
New York, NY 10019
PH: 212-457-3900
FX: 212-484-3990

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing MOTION FOR CONTINUATION OF SUSPENSION WITH CONSENT has been served upon Opposer's counsel Catherine C. Miller, Esq., Holland & Hart LLP, by email on June 11, 2021 to the following.

ccmiller@hollandhart.com,
docket@hollandhart.com,
ncdavis@hollandhart.com,
aanderson@hollandhart.com,
mamoore@hollandhart.com

/s/ Chiara Giuliani