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

Proceeding	91253873
Party	Defendant Hair Codes
Correspondence Address	MARK C JOHNSON 111 N PINE ISLAND ROAD, SUITE103 PLANTATION, FL 33324 UNITED STATES Primary Email: MJ@JohnsonDalal.com 954-507-4500
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Mark C. Johnson
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Date	01/20/2021
Attachments	Motion for Suspension.pdf(217408 bytes)

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

The Procter & Gamble Company,

Opposer,

v.

Hair Codes LLC,

Applicant.

Opposition No. 91253873

Mark: HAIR CODES

U.S. Application Serial No. 88524984

Application Filing Date: July 19, 2019

PLAINTIFF’S MOTION FOR SUSPENSION FOR SETTLEMENT NEGOTIATIONS

Applicant, Hair Codes LLC (hereinafter, “Applicant”), by and through its counsel and pursuant to 37 C.F.R. § 2.117(c), TBMP § 605.02, and Fed. R. Civ. P. 6(b), hereby moves the Board for a thirty (30) day suspension of this proceeding pending the parties’ ongoing settlement negotiations and in support thereof states as follows:

1. On February 4, 2020, Opposer, The Procter & Gamble Company (“Opposer”), filed its Notice of Opposition (“Opposition”) in connection with this proceeding, asserting likelihood of confusion under Trademark Act Section 2(d) and false designation of origin as grounds for opposition.
2. On May 18, 2020, Applicant filed its Answer in connection with this proceeding.
3. Thereafter, the parties filed two consented motions for suspension pending settlement negotiations, both of which were granted by the Board.
4. Because the parties remain actively engaged in negotiations for settlement of this matter, Applicant hereby requests that this proceeding be suspended for thirty (30) days.

5. Specifically, Applicant requires additional time to consider the most recent settlement proposal made by Opposer on January 7, 2021.

6. On January 18, 2021, undersigned counsel conferred with Opposer's counsel, who indicated that Opposer would be willing to consent to a further extension but must speak with Opposer prior to consenting.

7. Given that, at times, it has taken *months* to receive Opposer's substantive response to undersigned's communications, Applicant has chosen to file this motion for suspension to avoid prejudicing Applicant's rights rather than await confirmation, or lack thereof, of Opposer's consent.

8. As of the time of filing the instant motion, Opposer had not yet responded to Applicant's request for consent.

9. Undersigned respectfully submits that the foregoing constitutes good cause to support the requested suspension.

WHEREFORE, Applicant requests the Board for a 30-day suspension of this proceeding and to reset all dates in accordance therewith.

Dated: January 20, 2021

Respectfully submitted,

/s/ Mark C. Johnson

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on counsel of record for Opposer by forwarding said copy on January 19, 2021, via email to: Karen Gaunt, Esq., Dinsmore & Shohl LLP, 255 East Fifth Street, Suite 1900, Cincinnati, OH 45202 (karen.gaunt@dinsmore.com, govinda.davis@dinsmore.com, robin.bissantz@dinsmore.com, trademarks@dinsmore.com).

Dated: January 20, 2021

Respectfully submitted,

/s/ Mark C. Johnson
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