

ESTTA Tracking number: **ESTTA1179848**

Filing date: **12/20/2021**

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

Proceeding no.	91256302
Party	Plaintiff Spangler Candy Company
Correspondence address	LINDSIE A EVERETT MCDONALD HOPKINS LLC 600 SUPERIOR AVENUE EAST SUITE 2100 CLEVELAND, OH 44114 UNITED STATES Primary email: ipmailbox@mcdonaldhopkins.com Secondary email(s): leverett@mcdonaldhopkins.com 216-348-5400
Submission	Motion for Sanctions (Other)
Filer's name	Erin R. Conway
Filer's email	econway@mcdonaldhopkins.com, drobinson@mcdonaldhopkins.com, sketler@mcdonaldhopkins.com, tbenni@mcdonaldhopkins.com
Signature	/Erin R. Conway/
Date	12/20/2021
Attachments	Spangler Motion For Sanctions.PDF(59978 bytes) Conway Dec in Supp of Motion for Sanctions.PDF(31633 bytes) Ex A to Conway Decl in Supp of Mot for Sanctions Redacted.PDF(331723 bytes) Ex B to Conway Decl in Supp of Mot for Sanctions.PDF(241249 bytes)

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

SPANGLER CANDY COMPANY,

Opposer and Counterclaim
Respondent,

v.

MARY SA,

Applicant and Counterclaim
Petitioner.

Opposition No. 91256302

**OPPOSER AND COUNTERCLAIM RESPONDENT SPANGLER CANDY COMPANY'S
MOTION FOR SANCTIONS IN THE FORM OF DEFAULT JUDGMENT**

In accordance with 37 CFR § 2.120(h), Fed. R. Civ. P. 37, and TBMP §§ 411.05 and 527.01, Opposer and Counterclaim Respondent Spangler Candy Company (“Spangler”) of the above-identified opposition moves the Trademark Trial and Appeal Board (the “Board”) to sanction Applicant and Counterclaim Petitioner Mary SA (“Mary SA”) for its willful violation of this Board’s October 6, 2021 order compelling Mary SA to serve its Initial Disclosures. As explained more completely below, the appropriate sanction is default judgment in Spangler’s favor.

Introduction

After Mary SA ignored the Board-ordered deadline to serve Initial Disclosures, Spangler filed a Motion to Compel Discovery. Mary SA did not respond to Spangler’s Motion. The Board granted Spangler’s uncontested Motion and ordered Mary SA to serve its Initial Disclosures by November 5, 2021. This order, unfortunately, was not enough motivation for Mary SA.

Not only did Mary SA fail to meet the ordered October 5, 2021 deadline, but it has yet to serve its Initial Disclosures at all. Moreover, Mary SA is now completely unresponsive to communications from Spangler. The last communication Spangler received was an email from Mary SA's attorney on August 16, 2021, indicating that he had not received any instructions from his client regarding complying with the Board's rules to serve its Initial Disclosures. Spangler sent another email to counsel for Mary SA on October 7, 2021, after the Board granted Spangler's Motion to Compel, inquiring if Mary SA was interested in resuming settlement discussions. Mary SA did not respond.

Mary SA's failure to serve its Initial Disclosures in compliance with the Board's discovery order, failure to respond to Spangler's Motion to Compel, blatant disregard of the Board's order compelling Mary SA to serve its Initial Disclosures, and non-responsiveness to communications from Spangler unequivocally indicate that Mary SA is no longer participating in this proceeding. The time is right for the Board to issue a default judgment sanction against Mary SA.

Procedural History

On May 24, 2021, Spangler filed and the Board granted a Consented Motion to Extend all deadlines, setting the deadline for exchange of Initial Disclosures to July 23, 2021. (Docs. #16, 17.)

On July 23, 2021, Spangler's attorney corresponded with Mary SA's attorney inquiring whether Mary SA would consent to filing a 60-day extension of the July 23, 2021 Initial Disclosures deadline and remaining deadlines in order to continue negotiation discussions and obtain the Requested Information (defined below). Counsel for Mary SA responded that they had

yet to receive “instructions or confirmation” from Mary SA, but provided no reason for Mary SA’s lack of response. (Conway Decl. ¶10, Exhibit A p. 3-4).

Again on July 23, 2021, Spangler’s attorney corresponded with Mary SA’s attorney inquiring whether Mary SA would be serving Initial Disclosures by the July 23, 2021 Initial Disclosures deadline. Counsel for Mary SA responded that he had “received no further instructions” from Mary SA at that time. (Conway Decl. ¶11, Exhibit A p. 2-3).

As required by the Scheduling Order and 37 C.F.R. § 2.120(a)(2)(ii), Spangler served its Initial Disclosures on July 23, 2021, but Mary SA did not. (Conway Decl. ¶12, Exhibit B; Conway Decl. ¶13).

On August 16, 2021, Spangler’s attorney corresponded with Mary SA’s counsel informing them that Spangler had yet to receive Mary SA’s Initial Disclosures and inquired whether Mary SA intended to comply with the Board’s rules and serve its Initial Disclosures. Counsel for Mary SA responded that he had still not received any instructions from Mary SA. (Conway Decl. ¶16, Exhibit A p. 1-2). Again, Mary SA provided no reason for failing to serve Initial Disclosures. (*Id.*). This was the last communication Spangler received from counsel for Mary SA. (*Id.*)

Spangler timely filed a Motion to Compel Initial Disclosures on August 23, 2021. (Doc. #18.) Mary SA did not oppose and therefore conceded Spangler’s Motion. (Conway Decl. ¶16; Doc. #20.) On October 6, 2021, the Board granted Spangler’s Motion to Compel and ordered Mary SA to serve its Initial Disclosures within thirty (30) days of the order. (Conway Decl. ¶19; Doc. #20.) The Board declared that “[a] party that fails to provide its initial disclosures will be barred from propounding discovery requests, whether interrogatories, requests for production or requests for admission, and may not file a motion to compel to obtain responses to improperly

propounded discovery requests.” (*Id.* at 1 (citing Trademark Rule 2.120(a)(3); TBMP § 523.01).) The Board further warned that if Mary SA failed to serve its Initial Disclosures as ordered, “Opposer’s remedy may lie in a motion for sanctions, as appropriate.” (*Id.* at 2 (citing Trademark Rule 2.120(h); TBMP § 411.05).)

The next day, on October 7, 2021, counsel for Spangler emailed counsel for Mary SA, inquiring if Mary SA was interested in resuming settlement discussions in view of the Board’s order. (Conway Decl. ¶20; Exhibit A, p. 1.) Mary SA did not respond. (Conway Decl. ¶20.)

Moreover, in violation of the Board’s Order, Mary SA did not serve its Initial Disclosures as ordered, by the November 5, 2021 deadline. (Conway Decl. ¶21.) Mary SA has not served its Initial Disclosures as of the date of this motion. (*Id.*)

As will be explained more below, because Mary SA failed to respond to Spangler’s Motion to Compel, did not comply with the Board’s order by failing to serve its Initial Disclosures by November 5, 2021, and has not responded to communications from counsel for Spangler since at least August 16, 2021, a default judgment sanction is now appropriate.

Law and Argument

I. A default judgment sanction is appropriate when a party violates a Board order.

When a party fails to comply with a Board order compelling discovery, sanctions are appropriate. 37 CFR § 2.120(h). The Board has the authority to assure diligent administration of the rights within its charge, by establishing and enforcing reasonable rules and procedures for disciplining non-compliance with its rules. Trademark Rule 2.120(g) provides that “if a party fails to comply with an order of the Trademark Trial and Appeal Board relating to disclosure or discovery . . . the Board may make any appropriate order, including those provided in Rule 37(b)(2) of the Federal Rules of Civil Procedure.” 37 C.F.R. § 2.120(g). Possible sanctions

include those in Fed. R. Civ. P. 37(b)(2), and may include a default judgment. *See id.*; *see also MHW Ltd. v. Simex, Aussenhandelsgesellschaft Savelsberg KG*, 59 USPQ2d 1477 (TTAB 2000) (entering judgment as a sanction for violating discovery order); TBMP § 527.01.

When considering an appropriate sanction to impose, the Board may consider “(1) the willfulness of the non-compliant party or the reason for noncompliance; (2) the efficacy of lesser sanctions; (3) the prejudice to the other party; (4) the duration of the period of noncompliance; and (5) whether the non-compliant party has been warned of the consequence of his non-compliance.” *Handwerker v. AT & T Corp.*, 211 F.R.D. 203, 208 (S.D.N.Y. 2002); *see also Lee v. Max Intern., LLC*, 638 F.3d 1318, 1323 (10th Cir. 2011) (listing factors for dismissal as a sanction).

Thus, the Board has held that default judgment is an appropriate sanction for abuse where “the errant party’s behavior has severely hampered the other party’s ability to present his case” or has burdened the tribunal by requiring it “to modify its own docket and operations in order to accommodate the delay.” *Benedict*, 665 F.3d at 1268 (citing *Webb v. Dist. of Columbia*, 146 F.3d 964, 971 (D.C.Cir.1998)). The Board has also entered a sanction of default judgment where no less drastic remedy would be effective, and there is a strong showing of willful evasion. *See Baron Philippe de Rothschild S.A. v. Styl-rite Optical Mfg. Co.*, 55 U.S.P.Q.2d 1848, 1854 (TTAB 2000); *Unicut Corp. v. Unicut, Inc.*, 222 USPQ 341, 344 (TTAB 1984); *see also MHW*, 59 USPQ2d at 1478.

II. Mary SA violated the Board’s Order compelling discovery.

Mary SA was ordered by the Board to serve its Initial Disclosures by November 5, 2021. (Doc. #20.) Mary SA failed to meet that deadline and, in fact, has failed to serve its Initial Disclosures at all. (Conway Decl. ¶21.)

Thus, Mary SA is in willful violation of the Board's order. This alone warrants sanctions in the form of default judgment.

III. Mary SA has not participated in these proceedings for at least six months and is evading its obligations as a party.

Mary SA's manifest intent to evade its obligations and no longer participate in these proceedings also warrants judgment in Spangler's favor. The parties held a telephonic discovery conference in this case on December 18, 2020, during which the possibility of resolution of this proceeding by settlement was discussed. (Conway Decl. ¶3, Exhibit A p. 12-14.) For the next seven months following that conference, the parties were in regular email communication, during which time the parties discussed and agreed to three consented extensions of time, and followed-up on the status of settlement discussions. (Conway Decl. ¶4, Exhibit. A p. 4-14.)

Communications with Mary SA began to break down in July 2021. On July 23, 2021, Spangler's attorney corresponded with Mary SA's attorney, following up for a third time on Spangler's prior request for information relevant to the parties' ongoing settlement discussions, including information about Mary SA's business and marketing plans for using the applied-for mark in the U.S. and information regarding projected sales of goods sold under the MARY trademark ("Requested Information"), and requesting a 60-day extension of all deadlines to continue discussions. (Conway Decl. ¶10, Exhibit A p. 3-4). Counsel for Mary SA responded that they had yet to receive "instructions or confirmation" from Mary SA, but provided no reason for Mary SA's lack of response. (*Id.*)

Again on July 23, 2021, Spangler's attorney corresponded with Mary SA's attorney inquiring whether Mary SA would be serving Initial Disclosures by the July 23, 2021 Initial Disclosures deadline. Counsel for Mary SA responded that he had "received no further instructions" from Mary SA at that time. (Conway Decl. ¶11, Exhibit A p. 2-3).

In view of Mary SA's cryptic response and refusal to consent to an extension of time, Spangler was forced to serve its Initial Disclosures on July 23, 2021. (Conway Decl. ¶12, Exhibit B). Mary SA did not serve its Initial Disclosures by the July 23, 2021 deadline under the then-current Scheduling Order. (Conway Decl. ¶13.) On August 16, 2021, Spangler's attorney corresponded with Mary SA's attorney informing them that Spangler had yet to receive Mary SA's Initial Disclosures and inquired whether Mary SA intended to comply with the Board's rules and serve its Initial Disclosures. (Conway Decl. ¶16, Exhibit A p. 1-2.) Counsel for Mary SA responded that he had still not received any instructions from Mary SA. (Conway Decl. ¶16, Exhibit A p. 1.) Again, Mary SA provided no reason for failing to serve Initial Disclosures. (*Id.*) This was the last time Spangler heard anything from Mary SA. (*Id.*)

Spangler filed a Motion to Compel on August 23, 2021 (Doc. #18). Mary SA completely ignored the Motion to Compel and filed no response with the Board. (Conway Decl. ¶18.) The Board granted the conceded Motion on October 6, 2021, ordering Mary SA to serve its Initial Disclosures by November 5, 2021. (Doc. #20.) The next day, on October 7, 2021, counsel for Spangler emailed counsel for Mary SA, referencing the Board's order and inquiring if Mary SA was interested in resuming settlement discussions. (Conway Decl. ¶20; Exhibit A, p. 1.) Mary SA did not respond to this October 7 communication and has sent no further communications to Spangler. Mary SA did not serve its Initial Disclosures by the November 5 deadline. (Conway Decl. ¶21.)

Mary SA's apparent radio silence with its own counsel from at least July 2021 onward, failure to serve its Initial Disclosures by the then-current scheduling order deadline, failure to respond to Spangler's Motion to Compel, failure to serve its Initial Disclosures in response to the Board's order on the Motion to Compel, failure to respond to communications from counsel for

Spangler for the last four months, and inability or unwillingness to provide any reason for these failures, speaks volumes. These inactions are in stark contrast to Mary SA's regular communications, recognition of Board-ordered deadlines, and willingness to participate in settlement discussions prior to July 23, 2021.

Where, as here, “[t]here is no reason to assume that, given additional opportunities, [Mary SA] will fulfill [its] obligations as a party to the proceeding,” the sanction of default judgment is warranted. *Benedict v. Super Bakery, Inc.*, 665 F.3d 1263, 1268 (Fed. Cir. 2011) (quoting *Super Bakery, Inc. v. Ward E. Benedict*, 96 U.S.P.Q.2d 1134 (T.T.A.B. 2010); *see also Handwerker*, 211 F.R.D. at 208.

IV. Spangler is prejudiced by Mary SA's failure to comply with the Board's Order and its obligations as a party.

Mary SA's refusal to participate in these proceedings has prejudiced Spangler. Without Mary SA's disclosures, Spangler can only speculate as to the evidence Mary SA will introduce and who Mary SA will call as witnesses, making it difficult, if not impossible for Spangler to formulate a discovery plan. Spangler cannot move forward on drafting discovery requests absent the bare minimum information it should have obtained from Mary SA's Initial Disclosures.

Mary SA has also caused an incredible waste of time and resource, forcing Spangler to draft the present motion and its Motion to Compel, and for the Board to consider both motions. Further, given Mary SA's months of inaction and willful disregard of Board orders, Spangler has no assurances that any additional time or resource it invests in this proceeding will not also be wasted.

This prejudice to Spangler also warrants sanction in the form of default judgment. *See, e.g., Benedict*, 665 F.3d at 1268 (citing *Webb*, 146 F.3d at 971).

Conclusion

For all of these reasons, the Board should enter default judgment against Mary SA.

Dated: December 20, 2021

/s/ Erin R. Conway

Todd A. Benni
MCDONALD HOPKINS LLC
600 Superior Ave. E.
Cleveland, OH 44114
t 216.348.5712
tbenni@mcdonaldhopkins.com

Erin R .Conway
MCDONALD HOPKINS LLC
300 North La Salle, Suite 1400
Chicago, IL 60654
t 312.280.0111
econway@mcdonaldhopkins.com

*Counsel for Opposer Spangler Candy
Company*

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

SPANGLER CANDY COMPANY,

Opposer and Counterclaim
Respondent,

v.

MARY SA,

Applicant and Counterclaim
Petitioner.

Opposition No. 91256302

CERTIFICATE OF SERVICE

This is to certify that the foregoing **Opposer and Counterclaim Respondent Spangler Candy Company's Motion For Sanctions in the Form of Default Judgment** was served on Mary SA's correspondent of record in the Opposition Proceeding, Ryan M. Van Olst at rmvtrademarks@wolfgreenfield.com and Christina M. Licursi at cxltrademarks@wolfgreenfield.com on December 20, 2021.

s/Erin R Conway/
McDonald Hopkins, LLC

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

SPANGLER CANDY COMPANY,

Opposer and Counterclaim
Respondent,

v.

MARY SA,

Applicant and Counterclaim
Petitioner.

Opposition No. 91256302

**DECLARATION OF ERIN R. CONWAY IN SUPPORT OF SPANGLER CANDY
COMPANY’S MOTION FOR SANCTIONS**

I, Erin R. Conway, declare:

1. I am counsel at the firm McDonald Hopkins LLC, which represents Opposer Spangler Candy Company (“Spangler”) in the above- captioned action. I am over the age of 21 and am competent to make this Declaration. The facts set forth herein are based on my personal knowledge and documents maintained by my firm in the ordinary course of business.

2. **Exhibit A** is a true and correct copy of a chain of email correspondences between counsel for Spangler and counsel for Applicant Mary SA (“Applicant”). Portions of the text from Exhibit A have been redacted to remove confidential information.

3. The parties held a telephonic discovery conference in this case on December 18, 2020, during which the possibility of resolution of this proceeding by settlement was discussed. (Exhibit A, p. 12-14.)

4. In the seven months following the parties’ initial discovery conference, the parties were in regular email communication, during which time the parties discussed and agreed to three

consented extensions of time, and followed-up on the status of settlement discussions. (Exhibit A p. 4-14.)

5. On May 18, 2021, Spangler’s attorney emailed counsel for Mary SA to follow up on Spangler’s prior request for information relevant to the parties’ ongoing settlement discussions, including information about Mary SA’s business and marketing plans for using the applied-for mark in the U.S. and information regarding projected sales of goods sold under the MARY trademark (“Requested Information”). (Exhibit A, p. 7).

6. Counsel for Mary SA did not respond.

7. On May 24, 2021, Spangler’s attorney corresponded again with Mary SA’s attorney inquiring whether Mary SA would consent to filing a 60-day extension for all deadlines in order to continue negotiation discussions and obtain the Requested Information in light of the May 24, 2021 initial disclosures deadline. (Exhibit A, p. 6.) Counsel for Mary SA consented to the extension of time, but indicated that he had yet to hear back from Mary SA regarding the Requested Information. (Exhibit A, p. 6.)

8. On May 24, 2021, Spangler filed the Consented Motion to Extend all deadlines (Doc. #16), which the Board granted (Doc. #17) and set the following schedule:

Initial Disclosures Due	07/23/2021
Expert Disclosures Due	11/20/2021
Discovery Closes	12/20/2021
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	02/03/2022
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	03/20/2022
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	04/04/2022
30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	05/19/2022
Pretrial Disclosures Due for Rebuttal of Party	06/03/2022

in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	07/18/2022
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	08/02/2022
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	09/01/2022
Opening Brief for Party in Position of Plaintiff in Original Claim Due	10/31/2022
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	11/30/2022
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	12/30/2022
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	01/14/2023
Request for Oral Hearing (optional) Due	01/24/2023

9. On June 29, 2021, Spangler’s attorney corresponded with Mary SA’s attorney again following up on the Requested Information, which Mary SA’s attorney responded that they sent Mary SA a reminder. (Exhibit A, p. 4-5).

10. On July 23, 2021, Spangler’s attorney corresponded with Mary SA’s attorney inquiring whether Mary SA would consent to filing a 60-day extension of the July 23, 2021 initial disclosures deadline and remaining deadlines in order to continue negotiation discussions and obtain the Requested Information. (Exhibit A, p. 4.) Counsel for Mary SA responded that they had yet to receive “instructions or confirmation” from Mary SA, but provided no reason for Mary SA’s lack of response. (Exhibit A, p. 3).

11. Again on July 23, 2021, Spangler’s attorney corresponded with Mary SA’s attorney inquiring whether Mary SA would be serving initial disclosures by the July 23, 2021 initial disclosures deadline. Counsel for Mary SA responded that he had “received no further instructions” from Mary SA at that time. (Exhibit A, p. 2-3).

12. On July 23, 2021, Spangler served its initial disclosures on the counsel for Mary SA, in accordance with the Scheduling Order. (Exhibit B). A true and correct copy of the Correct copy of the email correspondence enclosing Spangler's Initial Disclosures is attached hereto at **Exhibit B**.

13. On July 23, 2021, Mary SA failed to serve initial disclosures to Spangler as required by the Scheduling Order and 37 C.F.R. § 2.120(a)(2)(ii).

14. As of the date of this motion, Mary SA has failed to serve its initial disclosures as required by the Scheduling Order and 37 C.F.R. § 2.120(a)(2)(ii).

15. Counsel for Mary SA provided no reason for failing to make initial disclosures. (See Exhibit A, p. 2-3).

16. On August 16, 2021, Spangler's attorney corresponded with Mary SA's attorney informing them that Spangler had yet to receive Mary SA's initial disclosures and inquired whether Mary SA intended to comply with the Board's rules and serve its initial disclosures. Counsel for Mary SA responded that he had still not received any instructions from Mary SA. (Exhibit A, p. 2). Again, Mary SA provided no reason for failing to serve initial disclosures. (Exhibit A, p. 1.) This was the last communication Spangler received from counsel for Mary SA.

17. Spangler timely filed a Motion to Compel Initial Disclosures on August 23, 2021. (Doc. #18.)

18. Mary SA did not oppose or otherwise file any response to Spangler's Motion with the Board. (Doc. #20.)

19. On October 6, 2021, the Board granted Spangler's Motion to Compel and ordered Mary SA to serve its Initial Disclosures within thirty (30) days of the order. (Doc. #20.)

20. On October 7, 2021, counsel for Spangler emailed counsel for Mary SA, inquiring if Mary SA was interested in resuming settlement discussions in view of the Board's order. (Exhibit A, p. 1.) Mary SA did not respond.

21. Mary SA did not serve its Initial Disclosures as ordered by the November 5, 2021 deadline set by the Board's Order. Mary SA has not served its Initial Disclosures as of the date of this motion.

I declare under penalty of perjury under the laws of the United States and the State of Illinois that the foregoing is true and correct to the best of my knowledge.

Dated: December 20, 2021

Respectfully submitted,

/s/ Erin R. Conway
Todd A. Benni
MCDONALD HOPKINS LLC
600 Superior Ave. E.
Cleveland, OH 44114
t 216.348.5712
tbenni@mcdonaldhopkins.com

Erin R. Conway
MCDONALD HOPKINS LLC
300 North La Salle, Suite 1400
Chicago, IL 60654
t 312.280.0111
econway@mcdonaldhopkins.com

*Counsel for Opposer Spangler Candy
Company*

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

SPANGLER CANDY COMPANY,

Opposer and Counterclaim
Respondent,

v.

MARY SA,

Applicant and Counterclaim
Petitioner.

Opposition No. 91256302

CERTIFICATE OF SERVICE

This is to certify that the foregoing **Declaration of Erin R. Conway in Support of Spangler Candy Company's Motion Sanctions** was served on Mary SA's correspondent of record in the Opposition Proceeding, Ryan M. Van Olst at rmvtrademarks@wolfgreenfield.com and Christina M. Licursi at cxltrademarks@wolfgreenfield.com on December 20, 2021.

s/Erin R Conway/
McDonald Hopkins, LLC

EXHIBIT A

Conway, Erin

From: Conway, Erin
Sent: Thursday, October 7, 2021 11:51 AM
To: 'Ryan.VanOlst@WolfGreenfield.com'
Cc: IP Mailbox; Benni, Todd A.; Christina M. Licursi; John L. Welch; TTABParalegals@WolfGreenfield.com; Robinson, Doni; Ketler, Suzanne
Subject: RE: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hi Ryan, given the TTAB's order granting Spangler's Motion to Compel Mary SA's Initial Disclosures and setting an updated discovery and trial schedule, please let me know if Mary SA is ready to resume settlement discussions.

Sincerely,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654

McDonald Hopkins
A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com
Sent: Monday, August 16, 2021 1:06 PM
To: Conway, Erin
Cc: IP Mailbox ; Benni, Todd A. ; Christina M. Licursi ; John L. Welch ; TTABParalegals@WolfGreenfield.com; Robinson, Doni ; Ketler, Suzanne
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)


Hello Erin,

I still have nothing further from my client on this.

Best,
Ryan

Ryan Van Olst
Pronouns: he/him/his
Associate
Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>
Sent: Monday, August 16, 2021 1:30 PM
To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>
Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>; TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; Robinson, Doni <drobenson@mcdonaldhopkins.com>; Ketler, Suzanne <sketler@mcdonaldhopkins.com>
Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Dear Ryan,

Spangler has yet to receive Mary SA's initial disclosures, which were due July 23. Please let us know if Mary SA intends to comply with the Board's rules and make its disclosures. If we do not hear from you by end of day this Wednesday, we will proceed with filing a motion to compel with the Board.

Thank you,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654


A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Friday, July 23, 2021 10:20 AM
To: Conway, Erin <econway@mcdonaldhopkins.com>
Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>; TTABParalegals@WolfGreenfield.com; Robinson, Doni <drobenson@mcdonaldhopkins.com>; Ketler, Suzanne <sketler@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

We've received no further instructions at this time.



Ryan Van Olst

Pronouns: he/him/his

Associate

Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>

Sent: Friday, July 23, 2021 10:32 AM

To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>; TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; Robinson, Doni <drobenson@mcdonaldhopkins.com>; Ketler, Suzanne <sketler@mcdonaldhopkins.com>

Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hi Ryan, are you planning to serve initial disclosures today?

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654



A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>

Sent: Friday, July 23, 2021 9:18 AM

To: Conway, Erin <econway@mcdonaldhopkins.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>; TTABParalegals@WolfGreenfield.com; Robinson, Doni <drobenson@mcdonaldhopkins.com>; Ketler, Suzanne <sketler@mcdonaldhopkins.com>

Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Erin,

Unfortunately I have been unable to obtain further instructions or confirmation from my client.

-Ryan



Ryan Van Olst

Pronouns: he/him/his

Associate

Admitted to Practice: Massachusetts, New York

617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210

605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>

Sent: Friday, July 23, 2021 9:32 AM

To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>; TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; Robinson, Doni <drobenson@mcdonaldhopkins.com>; Ketler, Suzanne <sketler@mcdonaldhopkins.com>

Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Ryan, please let us know if Mary SA will consent to a 60 day extension of time of today's deadline to exchange initial disclosures, and all remaining deadlines.

Also, where does your client stand on Spangler's request for information?

Sincerely,

Erin

Erin R. Conway

Counsel

T: 312.642.6733

econway@mcdonaldhopkins.com

www.mcdonaldhopkins.com

300 North LaSalle Street

Suite 1400

Chicago, IL 60654

McDonald Hopkins

A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>

Sent: Tuesday, June 29, 2021 3:36 PM

To: Conway, Erin <econway@mcdonaldhopkins.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>; TTABParalegals@WolfGreenfield.com

Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Erin,

Thanks--we have sent a reminder and will let you know when we hear back.

Best,
Ryan



Ryan Van Olst

Pronouns: he/him/his

Associate

Admitted to Practice: Massachusetts, New York

617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210

605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com | [in](#) [t](#)

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>

Sent: Tuesday, June 29, 2021 3:50 PM

To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>; TTAB Paralegals <TTABParalegals@WolfGreenfield.com>

Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Ryan, following up to see if you've heard back from your client regarding Spangler's information requests.

Sincerely,

Erin

Erin R. Conway

Counsel

T: 312.642.6733

econway@mcdonaldhopkins.com

www.mcdonaldhopkins.com

300 North LaSalle Street

Suite 1400

Chicago, IL 60654

McDonald Hopkins

A business advisory and advocacy law firm®

From: Conway, Erin

Sent: Monday, May 24, 2021 10:53 AM

To: 'Ryan.VanOlst@WolfGreenfield.com' <Ryan.VanOlst@WolfGreenfield.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>; TTABParalegals@WolfGreenfield.com

Subject: RE: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Great, thank you Ryan.

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654



A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>

Sent: Monday, May 24, 2021 10:43 AM

To: Conway, Erin <econway@mcdonaldhopkins.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>; TTABParalegals@WolfGreenfield.com

Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Erin,

Thank you for your message. We consent to the extension. In the meantime, we have reached out to our client about your message below and will let you know once we hear back.

Best,
Ryan

From: Conway, Erin <econway@mcdonaldhopkins.com>

Sent: Monday, May 24, 2021 10:58 AM

To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>

Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>; [TTAB Paralegals](mailto:TTABParalegals@WolfGreenfield.com)

Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Ryan, following up on my email of last week. Given today's deadline to serve Initial Disclosures, please let us know if applicant will consent to an additional 60-day extension of all deadlines while we continue to discuss a possible resolution.

Sincerely,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654

From: Conway, Erin
Sent: Tuesday, May 18, 2021 4:32 PM
To: 'Ryan.VanOlst@WolfGreenfield.com' <Ryan.VanOlst@WolfGreenfield.com>
Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>
Subject: RE: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Ryan,

[REDACTED] Spangler has requested information regarding Mary SA's business and marketing plans for using the MARY mark in the United States and also current and projected sales of goods sold under the MARY mark in the US.

Please let us know if your client will share this information for the purpose of negotiations.

Sincerely,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Tuesday, March 23, 2021 4:10 PM
To: Conway, Erin <econway@mcdonaldhopkins.com>
Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Thanks, Erin. We will file the consented extension request on our end.

Best,
Ryan



Ryan Van Olst

Associate
Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolest@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>
Sent: Tuesday, March 23, 2021 4:38 PM
To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>
Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>
Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Ryan, we have not yet heard back from our client yet. We consent to a 60-day extension of all deadlines.

Thank you,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654



From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Tuesday, March 23, 2021 2:16 PM
To: Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>
Cc: IP Mailbox <ipmailbox@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Kind reminder.



Ryan Van Olst

Associate
Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolest@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Van Olst, Ryan M.

Sent: Monday, March 22, 2021 7:27 PM

To: 'Benni, Todd A.' <tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>

Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>;

TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>

Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Todd,

Following up on this proposal to see if you have heard back yet. In view of our approaching deadline this Thursday, March 25th, please advise if you will consent to an additional 60 day extension of all deadlines while the parties continue to discuss a potential settlement.

Best,
Ryan



Ryan Van Olst

Associate

Admitted to Practice: Massachusetts, New York

617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210

605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Benni, Todd A. <tbenni@mcdonaldhopkins.com>

Sent: Friday, March 12, 2021 5:08 PM

To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>; Conway, Erin <econway@mcdonaldhopkins.com>

Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>;

TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>

Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Ryan:

My apologies for the delay. We will get back to you early next week. Thank you.

Regards,

-Todd

Todd A. Benni

Member

T: 216.348.5712

F: 216.348.5474

tbenni@mcdonaldhopkins.com

www.mcdonaldhopkins.com

600 Superior Avenue East

Suite 2100




Cleveland, OH 44114

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Friday, March 5, 2021 9:58 AM
To: Conway, Erin <econway@mcdonaldhopkins.com>
Cc: Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>;
TTABParalegals@WolfGreenfield.com; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A.
<tbenni@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Erin,

Checking in to see if you have heard back from Spangler about [REDACTED], since we are coming up on our deadline for initial disclosures.

Best,
Ryan

 **Ryan Van Olst**
Associate
Admitted to Practice: Massachusetts, New York
617.646.8559
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158
ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>
Sent: Friday, January 22, 2021 3:15 PM
To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>
Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>;
TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd
A. <tbenni@mcdonaldhopkins.com>
Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Ryan, this looks good to file. Thank you.

-Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com




300 North LaSalle Street
Suite 1400
Chicago, IL 60654

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Friday, January 22, 2021 9:57 AM
To: Conway, Erin <econway@mcdonaldhopkins.com>
Cc: Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>;
TTABParalegals@WolfGreenfield.com; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A.
<tbenni@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hi Erin,

Thank you for the quick confirmation. Attached is the Motion to Extend, which we plan on filing through the ESTTA forms. Kindly confirm if acceptable and we will proceed with filing.

Best,
Ryan

 **Ryan Van Olst**
Associate
Admitted to Practice: Massachusetts, New York
617.646.8559
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158
ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Conway, Erin <econway@mcdonaldhopkins.com>
Sent: Thursday, January 21, 2021 4:55 PM
To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>
Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>;
TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd
A. <tbenni@mcdonaldhopkins.com>
Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hi Ryan,

Spangler can agree to a 60 day extension of all deadlines for the parties to discuss settlement. Please send us a motion/stip for the extension for review.

Thanks,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
econway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654

McDonald Hopkins

A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Wednesday, January 20, 2021 10:01 AM
To: Hefner, Kimberly <khefner@mcdonaldhopkins.com>
Cc: Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>;
TTABParalegals@WolfGreenfield.com; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A.
<tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hello Kim,

I hope you had a peaceful New Year. Checking in to see if you have heard back from your client about [REDACTED] as discussed during our call. In the meantime, please advise if you will consent to an additional 60 day extension of all deadlines while settlement discussions are ongoing.

Sincerely,
Ryan



Ryan Van Olst

Associate
Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Van Olst, Ryan M.
Sent: Thursday, December 17, 2020 12:11 PM
To: 'Hefner, Kimberly' <khefner@mcdonaldhopkins.com>
Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>;
[TTAB Paralegals@WolfGreenfield.com](mailto:TTABParalegals@WolfGreenfield.com); IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A.
<tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>
Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Kim,

Confirmed, that time works on our end. Please note for the call invitation that Christina Licursi and John Welch will be attending as well (CC'd on this message).

Sincerely,
Ryan



Ryan Van Olst

Associate
Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Hefner, Kimberly <khefner@mcdonaldhopkins.com>
Sent: Thursday, December 17, 2020 6:37 AM
To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>
Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; Welch, John L. <John.Welch@WolfGreenfield.com>; TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>
Subject: RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Hi Ryan,

Attorneys Todd Benni and Erin Conway are available at 3pm on Friday, December 18th.

Kindly confirm this time works for you and we will schedule the conference call.

Sincerely,
Kim

Kimberly Hefner
Paralegal

T: 216.348.5703
khefner@mcdonaldhopkins.com
www.mcdonaldhopkins.com

600 Superior Avenue
Suite 2100
Cleveland, OH 44114

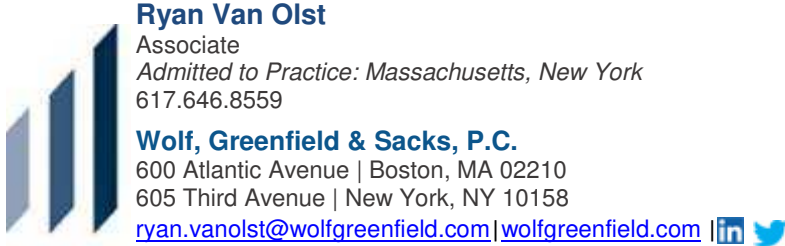


From: Ryan.VanOlst@WolfGreenfield.com <Ryan.VanOlst@WolfGreenfield.com>
Sent: Wednesday, December 16, 2020 6:51 PM
To: Hefner, Kimberly <khefner@mcdonaldhopkins.com>
Cc: Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; John L. Welch <John.Welch@WolfGreenfield.com>; TTABParalegals@WolfGreenfield.com; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

Kim,

We are available this Friday, December 18th at 10:30am and from 2-4pm that day. Please advise if there is a time in that range that works on your end for the call.

Sincerely,
Ryan



This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.

From: Hefner, Kimberly <khefner@mcdonaldhopkins.com>
Sent: Wednesday, December 16, 2020 4:18 PM
To: Van Olst, Ryan M. <Ryan.VanOlst@WolfGreenfield.com>
Cc: Licursi, Christina M. <Christina.Licursi@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; TTAB Paralegals <TTABParalegals@WolfGreenfield.com>; Benni, Todd A. <tbenni@mcdonaldhopkins.com>; Conway, Erin <econway@mcdonaldhopkins.com>
Subject: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference

Dear Ryan,

Kindly provide your availability to schedule the discovery conference. As previously discussed, the deadline is **December 25, 2020**.

Sincerely,
Kim

Kimberly Hefner
Paralegal

T: 216.348.5703
khefner@mcdonaldhopkins.com
www.mcdonaldhopkins.com

600 Superior Avenue
Suite 2100
Cleveland, OH 44114



From: Everett, Lindsie <leverett@mcdonaldhopkins.com>
Sent: Thursday, November 26, 2020 6:32 AM
To: 'Ryan.VanOlst@WolfGreenfield.com' <Ryan.VanOlst@WolfGreenfield.com>
Cc: Christina M. Licursi <Christina.Licursi@WolfGreenfield.com>; IP Mailbox <ipmailbox@mcdonaldhopkins.com>; Hefner, Kimberly <khefner@mcdonaldhopkins.com>; TTABParalegals@WolfGreenfield.com
Subject: MARY (& DESIGN) - Opposition No. 91256302 - Answer to Applicant's Cancellation Counterclaim

Hi Ryan,

Attached is a service copy of the Answer to Applicant's Cancellation Counterclaim filed in the above captioned matter. A copy of the ESTTA receipt is also enclosed.

Thank you,
Lindsie

Lindsie A. Everett
Attorney

T: 216.430.2002

leverett@mcdonaldhopkins.com

www.mcdonaldhopkins.com

600 Superior Avenue

Suite 2100

Cleveland, OH 44114



[WARNING] This email originated outside of McDonald Hopkins.

Do not click links or open attachments unless you recognize the sender and know the content is safe. Do not provide your user ID or password!

EXHIBIT B

Conway, Erin

From: Conway, Erin
Sent: Friday, July 23, 2021 4:32 PM
To: 'Ryan.VanOlst@WolfGreenfield.com'
Cc: IP Mailbox; Benni, Todd A.; Christina M. Licursi; John L. Welch;
TTABParalegals@WolfGreenfield.com; Robinson, Doni; Ketler, Suzanne
Subject: RE: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)
Attachments: Opposer's Initial Disclosures (9742042x7AB84).pdf

Ryan,

Please find Opposer's Initial Disclosures attached.

Sincerely,

Erin

Erin R. Conway
Counsel

T: 312.642.6733
erconway@mcdonaldhopkins.com
www.mcdonaldhopkins.com

300 North LaSalle Street
Suite 1400
Chicago, IL 60654

McDonald Hopkins
A business advisory and advocacy law firm®

From: Ryan.VanOlst@WolfGreenfield.com
Sent: Friday, July 23, 2021 10:20 AM
To: Conway, Erin
Cc: IP Mailbox ; Benni, Todd A. ; Christina M. Licursi ; John L. Welch ; TTABParalegals@WolfGreenfield.com; Robinson, Doni ; Ketler, Suzanne
Subject: [External] RE: MARY (& DESIGN) - Opposition No. 91256302 - Discovery Conference (M1521.50000US00)

We've received no further instructions at this time.

Ryan Van Olst

Pronouns: he/him/his
Associate

Admitted to Practice: Massachusetts, New York
617.646.8559

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue | Boston, MA 02210
605 Third Avenue | New York, NY 10158

ryan.vanolst@wolfgreenfield.com | wolfgreenfield.com |  

This e-mail message and any attachments may contain confidential or privileged information. If you are not the intended recipient, please notify me immediately by replying to this message. Please destroy all copies of this message and any attachments. Thank you.