

ESTTA Tracking number: **ESTTA1234209**

Filing date: **09/07/2022**

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

Proceeding no.	91270834
Party	Plaintiff CB Brand Strategies, LLC, A Delaware Limited Liability Company, Acting through CB Brand Strategies, LLC, Wilmington, Delaware, USA, Zug Branch
Correspondence address	EDWARD F. MALUF SEYFARTH SHAW LLP 620 8TH AVENUE, 32ND FLOOR NEW YORK, NY 10018 UNITED STATES Primary email: cbidocket@seyfarth.com Secondary email(s): ttabdocket@seyfarth.com, emaluf@seyfarth.com, aabeloff@seyfarth.com, jheinbockel@seyfarth.com No phone number provided
Submission	Motion to Suspend for Settlement Discussions
Filer's name	John C. Heinbockel
Filer's email	jheinbockel@seyfarth.com
Signature	/John C. Heinbockel/
Date	09/07/2022
Attachments	2022-09-07 - Motion to Suspend w Status Report.pdf(129680 bytes)

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

In the Matter of Application Serial No. 87081256 (C5 CERVECERÍA CINCO DE MAYO)

CB BRAND STRATEGIES, LLC,

Opposer,

v.

CERVECERÍA 5 DE MAYO S.A.P.I. DE C.V.,

Applicant.

Opposition Nos.: 91270834

CONSENTED MOTION TO SUSPEND

Opposer CB Brand Strategies, LLC, a Delaware limited liability company, acting through CB Brand Strategies, LLC, Wilmington, Delaware, USA, Zug Branch (“Opposer”), hereby moves to suspend these proceedings for 30 days to facilitate settlement. Applicant has consented to this motion.

In its August 12, 2022 order granting Applicant’s motion to suspend [22 TTABVUE], the Board set forth a requirement that the parties provide a status report in any further motions to suspend for settlement. The Board’s order requires that the parties set forth:

1. all dates on which the parties communicated, and the method of each communication (e.g. telephone conferences, emails, in-person meetings);
2. the general nature of each communication;
3. the issues that have been resolved;
4. the issues that remain to be resolved or that remain for trial; and
5. a proposed timetable for resolution of the remaining issues.

[Id. at 2.]

In response to the Board's requirement, Opposer reports that the parties have communicated on the following dates:

September 10, 2021 (email);
September 13, 2021 (email and phone)
September 14, 2021 (email)
September 29, 2021 (email)
October 7, 2021 (email)
October 8, 2021 (email and phone)
October 11, 2021 (email)
November 3, 2021 (email)
November 8, 2021 (email)
November 9, 2021 (email)
November 10, 2021 (email)
November 17, 2021 (email)
November 29, 2021 (email)
December 1, 2021 (email)
December 2, 2021 (phone)
December 9, 2021 (email)
January 6, 2022 (email)
January 7, 2022 (email)
January 9, 2022 (email)
February 1, 2022 (email)
February 2, 2022 (email)
February 22, 2022 (email)
February 28, 2022 (email)
March 1, 2022 (email)
March 8, 2022 (email)
March 9, 2022 (email)
May 2, 2022 (email)
May 3, 2022 (email)
May 5, 2022 (email)
May 13, 2022 (email)
June 13, 2022 (email)
June 15, 2022 (email)
June 24, 2022 (email)
July 5, 2022 (email)
July 6, 2022 (email)
July 7, 2022 (email)
August 9, 2022 (email)
August 10, 2022 (email)
August 15, 2022 (email)
September 7, 2022 (email)

The parties have now reached a settlement. The only outstanding issue is the final execution of the settlement agreement by both parties. The parties anticipate resolving this issue within 30 days.

The Board’s Order further requires the parties to set forth a new proposed trial schedule. [Id. at 2-3.] Accordingly, and in accordance with the parties’ intent to suspend the proceedings for a further 30 days, the parties propose the following schedule:

Time to Answer	10/13/2022
Deadline for Discovery Conference	11/12/2022
Discovery Opens	11/12/2022
Initial Disclosures Due	12/12/2022
Expert Disclosures Due	4/11/2023
Discovery Closes	5/11/2023
Plaintiff's Pretrial Disclosures Due	6/25/2023
Plaintiff's 30-day Trial Period Ends	8/9/2023
Defendant's Pretrial Disclosures Due	8/24/2023
Defendant's 30-day Trial Period Ends	10/8/2023
Plaintiff's Rebuttal Disclosures Due	10/23/2023
Plaintiff's 15-day Rebuttal Period Ends	11/22/2023
Plaintiff's Opening Brief Due	1/21/2024
Defendant's Brief Due	2/20/2024
Plaintiff's Reply Brief Due	3/6/2024
Request for Oral Hearing (optional) Due	3/16/2024

Accordingly, the parties request that the Board grant this motion to suspend the proceedings for settlement.

SEYFARTH SHAW LLP

Date: September 7, 2022

By: /John C. Heinbockel/

Edward F. Maluf
John C. Heinbockel

Attorneys for Opposer
CB Brand Strategies, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CONSENTED MOTION TO SUSPEND** has been served on Applicant, by forwarding said copy on September 7, 2022, via email, to the correspondence address of record for Applicant CERVECERÍA 5 DE MAYO S.A.P.I. DE C.V. at trademark@ruggieroIP.com, Terry@RuggieroIP.com.

/John C. Heinbockel/

John C. Heinbockel