

ESTTA Tracking number: **ESTTA1306605**Filing date: **08/29/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91275139
Party	Defendant Kerry Luxembourg S.Ã .r.l.
Correspondence address	JODY H. DRAKE SUGHRUE MION, PLLC 2000 PENNSYLVANIA AVENUE NW, STE 900 WASHINGTON, DC 20006 UNITED STATES Primary email: tm@sughrue.com 202-293-7060
Submission	Response to Board Order/Inquiry
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Date	08/29/2023
Attachments	S25081ApplicantsResponsetoShowCauseOrder.pdf(106628 bytes)

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

In Re Application Serial No. 90/306847

Mark: EVERWILD

ADM WILD EUROPE GMBH & CO. KG	:	
and WILD FLAVORS, INC.,	:	
	:	
Opposers,	:	
	:	
v.	:	Opposition No. 91275139
	:	
KERRY LUXEMBOURG S.À.R.L.,	:	
	:	
Applicant.	:	

APPLICANT’S RESPONSE TO SHOW CAUSE ORDER

NOW COMES APPLICANT, KERRY LUXEMBOURG S.À.R.L., to show cause why judgment by default should not be entered in the instant opposition.

The Board issued a notice of default on August 4, 2023 on the basis that the applicant in this case had not filed an answer to the opposition by the deadline, which had been extended to July 24, 2023.

Proceedings in this opposition are currently suspended so that applicant may respond to the show cause order as to why judgment by default should not be entered against the applicant in this case.

The Board is advised that the parties have settled this opposition by entering into a coexistence settlement agreement which has been fully executed by both parties. Under the coexistence agreement, applicant is required to enter Class 1 amendments to its descriptions in its EUTM Reg. No. 018336004 and UK Reg. No. UK0003642855. Those amendments have

been requested by counsel in Ireland, and the parties await confirmation that both amendments have been formally entered with regard to the referenced EUTM and UK registrations.

Under these circumstances, the parties have mutually agreed that the proceedings in this case should be suspended for sixty (60) days to allow applicant to obtain confirmation that the Class 1 EUTM and UK amendments have been formally entered which would result in opposer withdrawing the opposition in this case.

It is respectfully requested the Board set aside the Notice of Default and suspend proceedings for sixty (60) days.

This request is made in good faith and not for the purpose of delay.

Respectfully submitted,

KERRY LUXEMBOURG S.À.R.L.

By: /Jody H. Drake/
Jody H. Drake
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Dated: August 29, 2023.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **APPLICANT’S RESPONSE TO SHOW CAUSE ORDER** has been emailed this 29th day of August, 2023, to Opposers’ correspondence address of record:

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