

ESTTA Tracking number: **ESTTA831389**

Filing date: **07/05/2017**

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

Proceeding	92065543
Party	Plaintiff Quinn Foods LLC
Correspondence Address	AARON Y SILVERSTEIN SAUNDERS & SILVERSTEIN LLP 14 CEDAR STREET, SUITE 224 AMESBURY, MA 01913-1831 UNITED STATES Email: trademarks@sandsip.com, asilverstein@sandsip.com
Submission	Other Motions/Papers
Filer's Name	Aaron Y. Silverstein
Filer's email	trademarks@sandsip.com, asilverstein@sandsip.com, rlessard@sandsip.com
Signature	/Aaron Y. Silverstein/
Date	07/05/2017
Attachments	2017070705 quinn silverstein decl final.pdf(607155 bytes)

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

QUINN FOODS LLC, Petitioner, v. JSC TREATS INC., Registrant.
--

Cancellation No. 92065543

Registration No. 4482579
Mark: QUIN
Registration Date: February 11, 2014

Registration No. 4869537
Mark: QUIN
Registration Date: December 15, 2015

**DECLARATION OF AARON Y. SILVERSTEIN IN SUPPORT OF
PETITIONERS REPLY TO REGISTRANT’S OPPOSITION TO
PETITIONER’S MOTION FOR JUDGMENT ON THE PLEADINGS**

I, Aaron Y. Silverstein, declare as follows:

1. I am an attorney at Saunders & Silverstein LLP and counsel for Petitioner in this proceeding. The facts set forth in this Declaration are based on my personal knowledge, unless otherwise noted.
2. On April 27, 2017, I received a letter from Martin Medeiros, counsel for Registrant, via email (the “Letter”).
3. In the Letter, Mr. Medeiros wrote, “I want to again express my appreciation for your understanding and cooperation with respect to the technical difficulties which arose in the filing of our answer.”
4. A true and correct copy of the Letter is attached hereto as Exhibit A.

I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: July 5, 2017

/Aaron Y. Silverstein/
Aaron Y. Silverstein

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Declaration, and all exhibits thereto, has been served on Registrant's correspondent of record by forwarding said copy on July 5, 2017, via email to:

Elizabeth Tedesco Milesnick
IdeaLegal
2240 N. Interstate Ave., Suite 270
Portland, OR 97227
emilesnick@idealegal.com

/Aaron Y. Silverstein/
Aaron Y. Silverstein

EXHIBIT A



Martin F. Medeiros, II
mmedeiros@medeiroslawgroup.com
P.O. Box 25605
Portland, OR 97298-0605
Phone: 503-343-3303
Fax: 503-343-3304

April 27, 2017

VIA FIRST CLASS MAIL AND E-MAIL TO asilverstein@sandsip.com

Aaron Silverstein, Esquire
Saunders & Silverstein LLP
14 Cedar Street
Suite 224
Amesbury, MA 01913

RE: Quinn Foods LLC/JSC Treats, Inc.

Dear Mr. Silverstein:

I want to again express my appreciation for your understanding and cooperation with respect to the technical difficulties which arose in the filing of our answer. Technology is a wonderful thing until it makes routine practices more complicated than the manual predecessor.

I also want to take the opportunity to suggest to you that there are some unique circumstances in the matter before us which would seem to advise against full bore litigation without any attempt to explore the possibility of some common ground.

In particular, our respective clients are both small, homegrown, woman-led businesses who have been reasonably successful in their focused and passionate efforts to produce and market unique, high-quality, niche products in the shadow of big industry players. There is no doubt that your client has built a solid, thriving business on a kitchen table idea of making better popcorn. Similarly, my client has built a successful, growing business on her vision of providing the highest quality custom-made candies and snacks.

It also seems apparent that both parties have thus far been able to conduct their respective businesses without obvious or perhaps any interference from or to each other. To the extent any difficulties between the parties or their respective products may have arisen or may arise in the future, I would like to suggest that even though I am very confident in the strength of my client's

April 27, 2017
Silverstein, Aaron

2

legal position it may be possible and advisable to address such difficulties or possible difficulties in a less litigious and expensive manner under these circumstances.

If your client is amenable to exploring the possibility of a non-litigious co-existence, my client may be interested as well. Please let me know your client's response by close of business on Friday, April 28, 2017. I look forward to hearing from you.

Obviously, this letter is in the nature of a settlement discussion and, as such, is a non-evidentiary communication under Rule 408. My client reserves all rights, claims, and remedies it may have at law or in equity.

Sincerely,

Martin Medeiros, Esq.

MFM: lm