

ESTTA Tracking number: **ESTTA992128**

Filing date: **08/01/2019**

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

Proceeding	92071028
Party	Plaintiff DrTim's Aquatics, LLC
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Submission	Other Motions/Papers
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Signature	/Laura J. Winston/
Date	08/01/2019
Attachments	Motion to Suspend for settlement.pdf(99766 bytes )

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

DRTIM'S AQUATICS, LLC,	)	
	)	
	)	Cancellation No. 92071028
	)	
Petitioner;	)	
	)	Mark: REFRESH
	)	Registration No. 3122271
	)	Registered: August 1, 2006
v.	)	
	)	
	)	
	)	
	)	
AG CONCEPTS CORPORATION,	)	
	)	
Respondent.	)	
	)	
	)	

**MOTION TO SUSPEND PROCEEDINGS AND RESET DATES**

Petitioner, DrTim's Aquatics, LLC requests a 60-day suspension<sup>1</sup> of the proceedings to allow the parties additional time to finalize a settlement. Petitioner has secured the consent

Specifically, the parties have executed a settlement agreement, resulting in Petitioner submitting a consent agreement to the Examining Attorney for Petitioner's Application No. 87939544, which had encountered a 2(d) refusal based on the registration that is the subject of this Cancellation Action. The Examining Attorney

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<sup>1</sup> On July 1, 2019, Respondent moved for an extension of its answer deadline to August 4, 2019. Although the Board has not yet acted on this motion, Petitioner is requested an 60-day suspension running from this date.

withdrew the refusal and approved Application No. 87939544 for publication, and the parties are awaiting the official Notice of Publication before Petitioner withdraws the petition to cancel, in accordance with the settlement.

In light of the foregoing, Petitioner requests that the deadlines be reset as follows:

Time to Answer:	10/3/2019
Deadline for Discovery Conference:	11/2/2019
Discovery Opens:	11/2/2019
Initial Disclosures Due:	12/2/2019
Expert Disclosures Due:	3/31/2020
Discovery Closes:	4/30/2020
Petitioner's Pretrial Disclosures Due:	6/14/2020
Petitioner's 30-day Trial Period Ends:	7/29/2020
Respondent's Pretrial Disclosures Due:	8/14/2020
Respondent's 30-day Trial Period Ends:	9/28/2020
Petitioner's Rebuttal Disclosures Due:	10/14/2020
Petitioner's 15-day Rebuttal Period Ends:	11/13/2020
Petitioner's Opening Brief Due:	1/12/2021
Defendant's Brief Due:	2/11/2021
Petitioner's Reply Brief Due:	2/26/2021
Request for Oral Hearing (Optional) Due:	3/8/2021

Respectfully submitted,

OFFIT KURMAN, P.A.

Dated: August 1, 2019

By /Laura J. Winston/

Laura J. Winston

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consented Motion to Suspend Proceedings and Reset Dates has been served on Respondent AG Concepts Corporation at its email address of record this 1st day of August, 2019.

/Laura J. Winston/

Laura J. Winston

4841-8964-3934, v. 1