

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WDJ/GCP

November 29, 2022

Cancellation No. 92079034

Peanuts Worldwide LLC

v.

Intelligent Blends, LP

By the Trademark Trial and Appeal Board:

The parties' joint request for reconsideration of their consented motion to suspend this proceeding for 90 days, filed November 10, 2022 (22 TTABVUE), is **granted**. The parties' motion to suspend for settlement was originally denied because the record did not indicate that the required discovery conference had been held and thus the parties had not shown good cause for suspension. 21 TTABVUE. The parties have informed the Board that the required discovery conference took place on May 26, 2022.

Because the parties are negotiating for a possible settlement of this case, proceedings are **suspended** for settlement up to, and including **February 8, 2023**, subject to the right of either party to request resumption at any time.¹ See Trademark

¹ The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party or the parties providing necessary information about the status of settlement talks,

Rules 2.117(c) and 2.127(a), 37 C.F.R. §§ 2.117(c) and 2.127(a); and TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 605.02 (2022).

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed. *See* Trademark Rule 2.18(b)(1), 37 C.F.R. § 2.18(b)(1).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, **proceedings shall resume without further notice or order from the Board**, upon the schedule set forth below.

Proceedings resume on **February 9, 2023**. Discovery is open upon resumption.² The parties are allowed until **thirty (30) days** from the date of resumption in which serve responses to any outstanding discovery.³ Remaining trial dates, upon resumption, are reset as follows:

Expert Disclosures Due	7/28/2023
Discovery Closes	8/27/2023
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	10/11/2023
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	11/25/2023
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	12/10/2023
30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	1/24/2024

discovery activities, or trial activities, as may be appropriate. *See* Trademark Rule 2.117(c), 37 C.F.R. § 2.117(c).

² In their joint motion for reconsideration, the parties indicated that they have already served their initial disclosures and have exchanged written discovery requests and responses. *See* 22 TTABVue 3.

³ This allotment of time does not constitute an order to compel discovery but merely serves as a scheduling order.

Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	2/8/2024
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	3/24/2024
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	4/8/2024
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	5/8/2024
Opening Brief for Party in Position of Plaintiff in Original Claim Due	7/7/2024
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	8/6/2024
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	9/5/2024
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	9/20/2024
Request for Oral Hearing (optional) Due	9/30/2024

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page

orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.⁴ The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

⁴ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.