

ESTTA Tracking number: **ESTTA1312182**Filing date: **09/25/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92080282
Party	Defendant Be Well Nutrition, Inc.
Correspondence address	RAYMOND G. AREAUX (#33,643) CARVER, DARDEN, KORETZKY, TESSIER, FINN, BLOSSMAN & AREAUX, LLC 1100 POYDRAS STREET, SUITE 3100 NEW ORLEANS, LA 70163 UNITED STATES Primary email: <a href="mailto:areaux@carverdarden.com">areaux@carverdarden.com</a> (504) 585-3803
Submission	Motion to Suspend for Settlement Discussions
Filer's name	Theodore S. Owers III
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Signature	/Theodore S. Owers III/
Date	09/25/2023
Attachments	230925-Consent Motion to Suspend for Settlement-92080282.pdf(89822 bytes )

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

**Icon Muscle LLC**  
*Petitioner*

v.

**Be Well Nutrition, Inc.**  
*Respondent*

\* Cancellation No. 92080282  
\*  
\* Reg. No. 4,332,814  
\*  
\* Registered Mark: ICONIC  
\* Registered Goods: Nutritionally fortified  
\* beverages (Class 05); Whey beverages  
\* (Class 32)  
\*

**CONSENT MOTION TO SUSPEND FOR SETTLEMENT**

BWN Acquisition, LLC, through its undersigned counsel, respectfully requests that this proceeding be suspended for 90 days pursuant to TBMP §510.03(a). In support thereof, BWN Acquisition, LLC represents as follows:

1. Concurrent with this motion to suspend, BWN Acquisition, LLC has also filed on this day a motion to substitute itself for Be Well Nutrition, Inc. as party respondent in this proceeding.

2. This proceeding is currently suspended and the parties are engaged in negotiations for the settlement of this matter. The parties request that the current suspension be extended for 90 days to allow the parties to continue their settlement efforts.

3. This proceeding is currently scheduled to resume on October 4, 2023. The parties request that the date for resumption of the proceeding be extended 90 days to January 2, 2024.

The parties request that all deadlines be extended for 90 days and reset as follows:

<b>Deadline</b>	<b>Current</b>	<b>Proposed</b>
Time to Answer	10/15/2023	01/13/2024
Deadline for Discovery Conference	11/14/2023	02/12/2024

Discovery Opens	11/14/2023	02/12/2024
Initial Disclosures Due	12/14/2023	03/13/2024
Expert Disclosures Due	04/12/2024	07/11/2024
Discovery Closes	05/12/2024	08/10/2024
Plaintiff's Pretrial Disclosures Due	06/26/2024	09/24/2024
Plaintiff's 30-day Trial Period Ends	08/10/2024	11/08/2024
Defendant's Pretrial Disclosures Due	08/25/2024	11/23/2024
Defendant's 30-day Trial Period Ends	10/09/2024	01/07/2025
Plaintiff's Rebuttal Disclosures Due	10/24/2024	01/22/2025
Plaintiff's 15-day Rebuttal Period Ends	11/23/2024	02/21/2025
Plaintiff's Opening Brief Due	01/22/2025	04/22/2025
Defendant's Brief Due	02/21/2025	05/22/2025
Plaintiff's Reply Brief Due	03/08/2025	06/06/2025
Request for Oral Hearing (optional) Due	03/18/2025	06/16/2025

4. BWN Acquisition, LLC has secured the express consent of all other parties to this proceeding for the suspension and resetting of the dates requested herein.

**WHEREFORE**, BWN Acquisition, LLC prays that this Consent Motion to Suspend for Settlement be granted, that this proceeding be suspended to allow the parties to continue their settlement efforts, and that all deadlines be reset as indicated above.

**To the extent any fees are required to file or process these documents, the Commissioner is hereby authorized to charge any and all fees which may be required, or credit any overpayment to, Deposit Account No. 03-0937.**

*Signature Block appears on next page.*

Respectfully submitted,

/Theodore S. Owers III/

**RAYMOND G. AREAUX (Reg. #33,643)**

**THEODORE (TODD) S. OWERS III**

**REBECCA D. AREAUX**

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*Attorneys for BWN Acquisition, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Consent Motion to Suspend for Settlement has been served on Petitioner by forwarding said copy on September 25, 2023 via email to the Petitioner's attorney of record, as follows:

Thomas D. Foster

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/Theodore S. Owers III/

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