

ESTTA Tracking number: **ESTTA891045**

Filing date: **04/19/2018**

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

Proceeding	94002768
Party	Registrant Alacare Home Health Services, Inc.
Correspondence Address	JAKE M GIPSON BRADLEY ARANT BOULT CUMMINGS LLP ONE FEDERAL PLACE, 1819 FIFTH AVE N BIRMINGHAM, AL 35244 UNITED STATES Email: aholt@bradley.com, jgipson@bradley.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Jake M. Gipson
Filer's email	jgipson@bradley.com, aholt@bradley.com
Signature	/Jake M. Gipson/
Date	04/19/2018
Attachments	Alacare_Heritage_Senior_-_Stipulation_to_Suspend_for_Settlement.pdf(93832 bytes)

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

HERITAGE SENIOR CARE, INC.,)
)
 Applicant,)
)
 v.)
)
 ALACARE HOME HEALTH)
 SERVICES, INC., and WILD)
 KARMA, INC.,)
)
 Registrants.)

Concurrent Use No.: 94002768

JOINT STIPULATION TO SUSPEND PROCEEDING FOR NINETY DAYS

Under 37 C.F.R. § 2.117(c) and T.B.M.P. § 510.03(a), Applicant Heritage Senior Care, Inc. and Registrants Alacare Home Health Services, Inc. and Wild Karma, Inc. (“the Parties”) jointly stipulate to suspend Concurrent Use Proceeding No. 94002768 for a period of ninety (90) days. The Parties respectfully request that the Trademark Trial and Appeal Board enter an order approving their stipulation. In support of their request, the Parties state as follows:

1. The Parties have been engaged in settlement discussions and recently reached agreements in principal that will finally resolve all claims in this Concurrent Use Proceeding.
2. Under the current scheduling order (Doc. 9), the next deadline requires the Parties to exchange initial disclosures on or before April 19, 2018. Expert disclosures are not due until August 17, 2018, and discovery does not close until September 16, 2018.
3. In light of the pending settlement, the Parties respectfully request that the Board temporarily suspend this Concurrent Use Proceeding by ninety (90) days. *See* T.B.M.P.

§ 501.03(a) (discussing stipulations to suspend in light of settlement discussions). The Parties request this suspension to conserve the resources of the Board and to allow the Parties to focus their efforts on finalizing their settlement agreement for approval of the Board.

4. The Parties agree that, upon motion of any Party, the Board may resume this Concurrent Use Proceeding and reset all deadlines at that time.

5. This stipulation is the second request for a suspension, but only the first request for a suspension after the Parties reached agreements in principal.

WHEREFORE, the Parties respectfully request that the Board enter an order approving the foregoing joint stipulation and suspending Concurrent Use Proceeding No. 94002768 for a period of ninety (90) days.

Dated: April 19, 2018

Respectfully submitted,

/Erin Bray/ (with permission)
Jung Jin Lee
Erin Bray
TRADEMARK LAWYER LAW FIRM, PLLC
PO Box 512
Ann Arbor, MI 48106-0512
jj@llapc.com
erin@llapc.com

Counsel for Applicant Heritage Senior Care, Inc.

/Susan Bishop/ (with permission)
Susan Bishop
BERLINER COHEN LLP
10 Almaden Blvd., Eleventh Floor
San Jose, CA 95113
Phone: (408) 286-5800
susan.bishop@berliner.com

Counsel for Registrant Wild Karma, Inc.

/Angela Holt/
Angela Holt
BRADLEY ARANT BOULT CUMMMINGS LLP
200 Clinton Avenue, Suite 900
Huntsville, Alabama 35801
Phone: (256) 517-5100
Fax: (256) 517-5200
aholt@bradley.com

Jake M. Gipson
BRADLEY ARANT BOULT CUMMMINGS LLP
One Federal Place
1819 Fifth Ave. N
Birmingham, AL 35203
Phone: (205) 521-8000
jgipson@bradley.com

Counsel for Registrant Alacare Home Health Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2018, I caused the foregoing to be served by electronic mail to:

Jung Jin Lee
Erin Bray
Trademark Lawyer Law Firm, PLLC
PO Box 512
Ann Arbor, MI 48106-0512
erin@llapc.com, jj@llapc.com, docket@trademarklawyerfirm.com

Susan Bishop
BERLINER COHEN LLP
10 Almaden Blvd., Eleventh Floor
San Jose, CA 95113
Phone: (408) 286-5800
susan.bishop@berliner.com

By: /Jake Gipson/
One of the Attorneys for Alacare Home
Health Services, Inc.