

ESTTA Tracking number: **ESTTA865647**

Filing date: **12/18/2017**

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

Proceeding	94002768
Party	Registrant Alacare Home Health Services, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Date	12/18/2017
Attachments	Alacare_Heritage_Senior_-_Joint_Stipulation_to_Suspend.pdf(96012 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), 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. This concurrent use proceeding is in its infancy. Under the current scheduling order, the next deadline requires the Parties to exchange initial disclosures on or before December 20, 2017. Expert disclosures are not due until April 19, 2018, and discovery does not close until May 19, 2018.

2. Despite best efforts, the Parties had, until recently, been unable to engage in meaningful settlement discussions. Recently however, counsel for Heritage Senior Care and counsel for Alacare Home Health Services were placed in contact with the attorney representing

Wild Karma in this proceeding. Each of the Parties has expressed an interest in and a preference for a voluntary resolution of this matter, if possible.

3. Although undersigned counsel for Wild Karma has not yet entered her appearance in the proceeding, she has informed both counsel for the other parties and the trademark attorney for the Board that she is representing Wild Karma in this concurrent use proceeding.

4. The Parties are now working diligently to attempt to reach a voluntary resolution of this matter, which would obviate the need for a trial before the Board.

5. To facilitate the Parties' settlement discussions, the Parties hereby stipulate to a ninety (90) day suspension of the concurrent use proceeding. *See* T.B.M.P. § 501.03(a) (discussing stipulations to suspend in light of settlement discussions).

6. The Parties agree that, upon request by motion of any Party, the Board may resume this concurrent use proceeding and reset all deadlines at that time.

7. This stipulation is the Parties' first request for a suspension of proceedings, and the Parties believe that this suspension will not prejudice the timely resolution of this proceeding.

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 three months.

Dated: December 18, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017, I caused the foregoing to be served by electronic mail to:

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One of the Attorneys for Alacare Home
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