

ESTTA Tracking number: **ESTTA758987**

Filing date: **07/18/2016**

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

| | |
|------------------------|--|
| Proceeding | 91216899 |
| Party | Defendant Sara Lee Foods, LLC. |
| Correspondence Address | JOHN J DABNEY McDERMOTT WILL & EMERY LLP THE McDERMOTT BLDG, 500 NORTH CAPITOL STREET NW WASHINGTON, DC 20001-1531 UNITED STATES jdabney@mwe.com, mhallerman@mwe.com, dciplit@mwe.com |
| Submission | Response to Board Order/Inquiry |
| Filer's Name | John J. Dabney |
| Filer's e-mail | jdabney@mwe.com, mhallerman@mwe.com, dciplit@mwe.com |
| Signature | /John J. Dabney/ |
| Date | 07/18/2016 |
| Attachments | Response.pdf(10087 bytes) Exhibit 1 - Summary Judgment Opinion.pdf(141573 bytes) Exhibit 2 - Notice of Appeal.pdf(269033 bytes) |

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

PARKS, LLC,

Opposer,

v.

SARA LEE FOODS, LLC,

Applicant.

Opposition No.: 91216899

Application No.: 86/059,332

Mark: PARK'S FINEST

APPLICANT'S RESPONSE TO THE BOARD'S ORDER
SEEKING STATUS OF CIVIL ACTION

Applicant Sara Lee Foods, LLC respectfully submits this response to the Board's June 18, 2016 Order (Dkt. No. 12), inquiring about the status of the civil action that occasioned the suspension of this Opposition, *Parks, LLC v. Tyson Foods, Inc. et al.*, Civil Action No. 5:15cv946 (E.D. Pa.). On May 10, 2016, the Court in the Civil Action entered judgment against Opposer Parks, LLC because Opposer failed to create a genuine issue of material fact that its common law PARKS mark was valid. Ex. 1. On June 10, 2016, Opposer filed a Notice of Appeal in the United States Court of Appeals for the Third Circuit (Exhibit 2), which remains pending. Thus, Applicant submits that this Opposition should remain suspended pending the disposition of Opposer's appeal.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

Dated: July 18, 2016

/John J. Dabney/

John J. Dabney

Mary D. Hallerman

The McDermott Building

500 North Capitol Street, N.W.

Washington, D.C. 20001-1531

Telephone: 202.756.8000

Email: jdabney@mwe.com;

mhallerman@mwe.com; dciplit@mwe.com

Attorney for Applicant Sara Lee Foods, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **APPLICANT'S RESPONSE TO THE BOARD'S ORDER SEEKING STATUS OF CIVIL ACTION** was served upon counsel for Opposer by U.S. first-class mail, postage-prepaid, this 18th day of July 2016 addressed as follows:

James C. McConnon, Esq.
Paul & Paul
1717 Arch Street, Suite 3740
Philadelphia, PA 19103

/John J. Dabney/
Attorney for Applicant
Sara Lee Foods, LLC

EXHIBIT 1

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.