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

Proceeding	91225707
Party	Plaintiff Sara Lee Foods, LLC
Correspondence Address	JOHN J DABNEY MCDERMOTT WILL & EMERY LLP 500 NORTH CAPITOL STREET NW WASHINGTON, DC 20001 UNITED STATES jdabney@mwe.com, mhallerman@mwe.com, dciplit@mwe.com, hpmorris-on@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, kbukr-insky@mwe.com
Signature	/s/ John J. Dabney
Date	04/17/2017
Attachments	Sara Lee v. Parks, Opp. No. 91225707 Response to Board Order.pdf(451762 bytes )

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

SARA LEE FOODS, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	<b>Opposition No. 91225707</b>
	)	
PARKS, LLC,	)	<b>Serial No. 86600528</b>
	)	
	)	<b>Mark: PARKS</b>
Applicant.	)	

**OPPOSER'S RESPONSE TO BOARD'S MARCH 21 ORDER**

Opposer Sara Lee Foods, LLC respectfully submits this response to the Board's March 21, 2017 Order (Dkt. No. 8), inquiring of 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 that Civil Action entered judgment against Applicant Parks, LLC because Applicant had failed to establish it owned a valid trademark for PARKS due to its failure to demonstrate that its unregistered mark had secondary meaning. (*See* Exhibit 1.) On June 10, 2016, Applicant filed a Notice of Appeal to appeal that decision to the United States Court of Appeals for the Third Circuit (Exhibit 2). The appeal was argued on March 22, 2017, and remains pending.

In light of the pending appeal, Opposer submits that this proceeding should remain suspended.

Dated: April 17, 2017

Respectfully submitted,

/s/John J. Dabney

John J. Dabney

Mary D. Hallerman

McDERMOTT WILL & EMERY LLP

500 North Capitol Street NW

Washington, DC 20001

Email: [jdabney@mwe.com](mailto:jdabney@mwe.com);

[mhallerman@mwe.com](mailto:mhallerman@mwe.com)

Telephone: 202-756-8000

Fax: 202-756-8087

*Counsel for Opposer Sara Lee Foods, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Motion has been served on Applicant's counsel by mailing said copy on April 17, 2017, via First Class Mail, postage prepaid to:

John S. Child, Jr.  
Paul & Paul  
Three Logan Square  
1717 Arch Street  
Suite 3740  
Philadelphia, PA 19103

/s/ Katie Bukrinsky  
Katie Bukrinsky  
McDERMOTT WILL & EMERY LLP  
500 North Capitol Street NW  
Washington, DC 20001  
Email: kbukrinsky@mwe.com  
Telephone: 202-756-8194

# EXHIBIT 1

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