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

Proceeding	91199752
Party	Plaintiff Evonik Degussa GmbH
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Submission	Stipulated/Consent Motion to Extend
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Date	12/13/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Evonik Degussa GmbH)	
)	
Opposer,)	
)	
v.)	Consolidated Opposition No. 91199752
)	
Afgritech Ltd.)	
)	
Applicant.)	

STIPULATED MOTION TO MODIFY CASE MANAGEMENT ORDER

The parties jointly move the Trademark Trial and Appeal Board to extend each of the current deadlines by 60 days from the dates set forth in the Stipulated Motion to Modify Case Management Order that was filed on October 10, 2012, and remains pending before the Board. The parties specifically request that the dates from that October 10 Stipulated Motion be modified as follows:

<u>Event</u>	<u>Original Requested Date</u> (from pending October 10, 2012 Motion)	<u>Requested Date</u>
Discovery Closes	December 14, 2012	February 12, 2013
Evonik's pretrial disclosures due	January 28, 2013	March 29, 2013
Evonik's 30-day testimony period as plaintiff in Opposition No. 91199752 to open	February 12, 2013	April 13, 2013
Evonik's 30-day testimony period as plaintiff in Opposition No. 91199752 to close	March 15, 2013	May 14, 2013

Afgritech's pretrial disclosures due	March 30, 2013	June 29, 2013
Afgritech's 30-day testimony period as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 to open	April 13, 2013	June 12, 2013
Afgritech's 30-day testimony period as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 to close	May 13, 2013	July 12, 2013
Evonik's pretrial disclosures for rebuttal in Opposition No. 91199752 and as defendant in Opposition No. 91200334 due	May 28, 2013	July 27, 2013
Evonik's 30-day testimony period as defendant in Opposition No. 91200334 and for rebuttal as plaintiff in Opposition No. 91199752 to open	June 12, 2013	August 11, 2013
Evonik's 30-day testimony period as defendant in Opposition No. 91200334 and for rebuttal as plaintiff in Opposition No. 91199752 to close	July 12, 2013	September 10, 2013
Afgritech's rebuttal disclosures as plaintiff in Opposition No. 91200334 due	July 27, 2013	September 25, 2013
Afgritech's 15-day rebutal testimony period as plaintiff in Opposition No. 91200334 to open	August 11, 2013	October 10, 2013

Afgritech's 15-day rebuttal testimony period as plaintiff in Opposition No. 91200334 to close	August 26, 2013	October 25, 2013
Brief for Evonik as plaintiff in Opposition No. 91199752 due	October 25, 2013	December 24, 2013
Brief for Afgritech as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 due	November 24, 2013	January 23, 2014
Brief for Evonik as defendant in Opposition No. 91200334 and reply brief, if any, as plaintiff in Opposition No. 91199752 due	December 24, 2013	February 22, 2014
Reply brief, if any, for Afgritech as plaintiff in Opposition No. 91200334 due	January 8, 2014	March 9, 2014

In support of the Motion, the parties submit the following:

1. The parties would like an additional extension of the remaining deadlines.
2. On October 10, 2012, the parties filed a Stipulated Motion to Add a Party to the Consolidated Opposition, in light of the assignment of one of the marks cited in Opposition No. 91/200,334 to Carrs Agriculture Limited. That Motion is still pending.
3. To give Evonik time to pursue discovery from new owner Carrs Agriculture Limited, the parties also filed a Stipulated Motion to Modify the Deadlines of the Case Management Order. That Motion remains pending.
4. Because Carrs Agriculture Limited has not been joined as a party to the Opposition, Evonik has not been able to seek discovery from Carrs Agriculture Limited as of yet and needs

additional time for discovery after the Board has ruled on the Stipulated Motion to join Carrs as a new party.

5. Accordingly, the parties request the above extension of all remaining deadlines in the Opposition.
6. Cheryl Burbach, Counsel for Applicant Afgritech Ltd., joined in this Motion on December 12, 2012, via email correspondence.

Conclusion

Accordingly, the parties respectfully request that the Board modify the case management order as set forth above.

Dated: December 13, 2012

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/s/ Elizabeth G. Borland

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Attorneys for Opposer Evonik Degussa GmbH

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was deposited with the United States Postal Service as first class mail, postage prepaid, on this 12th day of December, 2012, to:

Thomas H. Van Hoozer
Hovey Williams LLP
10801 Mastin Blvd. Suite 1000
Overland Park, KS 66210

Pursuant to C.F.R. § 2.119(b)(6) and the July 21, 2011 letter between counsel, a courtesy copy was also sent by email.

This 13th day of December, 2012.

s/ Elizabeth G. Borland
Elizabeth G. Borland