

ESTTA Tracking number: **ESTTA702727**

Filing date: **10/16/2015**

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

Proceeding	91211208
Party	Plaintiff United Industries Corporation
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Submission	Stipulated/Consent Motion to Extend
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Date	10/16/2015
Attachments	2015.10.16 Joint Motion for Extension (Chemian).pdf(113542 bytes )

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

UNITED INDUSTRIES CORPORATION, )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 CHEMIAN TECHNOLOGY LIMITED, )  
 )  
 Applicant. )

Opposition No. 91211208  
TM: CITREPEL  
Serial No. 85805232

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**JOINT MOTION TO EXTEND PROCEEDING DEADLINES**

Opposer United Industries Corporation (“UIC”) and Applicant Chemian Technology Limited (“Chemian”) respectfully move the Board to extend all discovery and trial deadlines in the above-referenced opposition proceeding by ninety (90) days on the basis of the parties’ ongoing settlement discussions, with new deadlines as set forth below:

Expert Disclosures Due	1/14/2016
Discovery Closes	2/13/2016
Plaintiff’s Pretrial Disclosures	3/29/2016
Plaintiff’s 30-day Trial Period Ends	5/13/2016
Defendant’s Pretrial Disclosures	5/28/2016
Defendant’s 30-day Trial Period Ends	7/12/2016
Plaintiff’s Rebuttal Disclosures	7/27/2016
Plaintiff’s 15-day Rebuttal Period Ends	8/26/2015

Since the previously-granted extension, UIC and Chemian’s parent company, Citrefine International Limited (“Citrefine”), have focused their efforts on a potential amendment to an existing agreement between UIC and Citrefine that would, among other things, resolve the parties’ dispute in this proceeding. UIC and Citrefine have resolved various issues concerning ownership of product-related data and technology licenses, and have circulated revised drafts of

the proposed amendment in the past three months. Remaining issues include those related to applicable law, jurisdiction, the scope of covenants to which Chemian may be bound by the amendment, remedies for breach of the amendment, and Chemian's registration of the CITREPEL mark in the United States. A concise timeline of recent discussions is set forth below:

- July 23, 2015: UIC and Citrefine exchanged several emails discussing proposed changes to an appendix to the amendment to the pre-existing agreement concerning EPA-related datasets.
- July 24, 2015: UIC sent Citrefine a proposed revised amendment and related agreement.
- July 28-29, 2015: UIC and Citrefine exchanged several emails further discussing EPA-related datasets and the revised amendment and agreement documents.
- August 11-12, 2015: UIC and Citrefine exchanged emails concerning the latest draft of the amendment and related agreement.
- August 21-28, 2015: UIC and Citrefine exchanged emails concerning the latest draft of the amendment and related agreement.
- September 3, 2015: UIC inquired as to the status of the amendment and related agreement.
- September 16, 2015: Citrefine and UIC exchanged emails concerning the relationship between Citrefine and Chemian and Chemian's request for certain agreement revisions.
- September 28, 2015: Citrefine sent a further revised amendment and related agreement to UIC, with new proposed terms related to Chemian's application to register the CITREPEL mark.
- Currently: UIC is reviewing Citrefine's latest proposed revisions internally and expects to circulate a further revised draft of the amendment and related agreement soon.

As evidenced above, UIC and Citrefine have been actively engaged in settlement negotiations and wish to continue in their attempts to reach an amicable resolution of the remaining issues. The requested 90-day extension of proceeding deadlines is necessary to allow the parties to continue their good-faith negotiations, and also would obviate the need for the

parties to expend additional resources on discovery or to take up their employees' valuable time for depositions while they continue their settlement discussions. The parties anticipate that they will be able to resolve all remaining issues within this 90-day extension period.

For the reasons stated above, the parties respectfully request that the Board grant their joint motion to extend proceeding deadlines by ninety (90) days.

Respectfully submitted this 16th day of October, 2015.

/William D. Hare/

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNITED INDUSTRIES CORPORATION,	)	
	)	Opposition No. 91211208
Opposer,	)	
	)	TM: CITREPEL
v.	)	
	)	Serial No. 85805232
CHEMIAN TECHNOLOGY LIMITED,	)	
	)	
Applicant.	)	

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **Joint Motion to Extend Proceeding Deadlines** was served on Applicant's counsel of record in the above-referenced opposition proceeding on October 16, 2015, via e-mail correspondence per the parties' agreement with respect to this motion only, addressed to:

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Attorney for Opposer

**CERTIFICATE OF TRANSMITTAL**

This is to certify that a copy of the foregoing **Joint Motion to Extend Proceeding Deadlines** is being filed electronically with the TTAB via ESTTA in the above-referenced opposition proceeding on October 16, 2015.

/Sabina A. Vayner/  
Attorney for Opposer