

ESTTA Tracking number: **ESTTA1217432**

Filing date: **06/24/2022**

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

Ex Parte Appeal - Serial No.	79287885
Appellant	Birkenstock UK Ltd.
Applied for mark	MADRID
Correspondence address	CHARLES TJ WEIGELL FROSS ZELNICK LEHRMAN & ZISSU PC 151 W 42ND STREET 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: Weigell-Docket@fzlz.com 212-813-5252
Submission	To file a main brief - second or subsequent request
Attachments	MADRID Fifth Request for Extension of Time to File Brief.pdf(85680 bytes )
Filer's name	Charles T. J. Weigell
Filer's email	cweigell@fzlz.com
Signature	/ctw/
Date	06/24/2022

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

Applicant:	Birkenstock UK Ltd.	:
		:
Serial No.:	79/287,885	:
		:
Filed:	April 16, 2020	:
		:
Mark:	MADRID	:
		:
Our Ref.:	BSCM 2011129	:

**FIFTH REQUEST FOR EXTENSION OF TIME TO FILE BRIEF**

Box TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Pursuant to TBMP Section 1203.02(d), and for good cause as provided below, the above-referenced Applicant requests a 60-day extension of time to file its main brief on appeal in the above-referenced Application. The current deadline for filing a brief is July 2, 2022 and Applicant requests extension of the deadline to August 31, 2022. This is the fifth extension requested and Applicant is submitting the required fee of \$100 through ESTTA by deposit account.

The sole issue on appeal is a refusal based on an asserted likelihood of confusion with the mark in U.S. Reg. No. 3,241,061. Applicant has continued its discussions with the owner of the cited registration and the parties are still negotiating a co-existence arrangement. A draft agreement consenting to registration of Applicant's mark is under review and a few of its provisions are still being considered and negotiated by the parties.

Applicant expects that a finalized and executed agreement will obviate the current appeal once it is signed and submitted for consideration by the Examining Attorney with a Request for Remand. Applicant is requesting 60 days here so as to provide additional time to complete its negotiations and to allow the Board an opportunity to avoid expending resources to consider multiple requests each for 30 days.

In *ex-parte* proceedings, the Board has found good cause for granting an extension of time to file an appeal brief where an applicant is attempting to negotiate a consent agreement. TBMP § 1203.02(d). As such, Applicant submits that it has good cause for the extension and that it is seeking this in good faith and not for purposes of delay. Favorable consideration and granting of this request is hereby solicited.

Dated: New York, New York  
June 24, 2022

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:

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/ctw/

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