

ESTTA Tracking number: **ESTTA640581**

Filing date: **11/21/2014**

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

Proceeding	91216036
Party	Defendant Windy Hill Spirits, Inc.
Correspondence Address	ROBERT L BREWER BASS BERRY & SIMS PLC 150 3RD AVE SOUTH, SUITE 2800 NASHVILLE, TN 37201-2017 UNITED STATES trademarks@bassberry.com, rbrewer@bassberry.com, mallard@bassberry.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Martha B. Allard
Filer's e-mail	trademarks@bassberry.com
Signature	/Martha B. Allard/
Date	11/21/2014
Attachments	First Consented Motion for Extension.pdf(52901 bytes )

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

In re the matter of the Application Serial Nos: 85938621 and 85937554  
For the Marks: DON'T TREAD ON ME and DON'T TREAD ON ME & Design  
Published in the Official Gazette on February 25, 2014 and March 11, 2014

American Barrels, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91216036
	)	
Windy Hill Spirits, Inc.,	)	
	)	
Applicant.	)	
	)	
	)	

**FIRST CONSENTED MOTION FOR EXTENSION OF TIME**

Applicant, WINDY HILL SPIRITS, INC., by and through its undersigned counsel, and with the consent of Opposer, AMERICAN BARRELS, LLC., hereby moves for an extension of one hundred twenty (120) days of all deadlines in the above-captioned opposition proceeding.

This request is made on the grounds that the parties have been and are actively engaged in settlement discussions and require additional time to determine if a mutually acceptable resolution to this matter is possible and, if not possible, time to engage in discovery. This request is not made for purposes of delay.

Opposer has consented to this request via email.

Accordingly, subject to the approval of the Trademark Trial and Appeal Board, the dates set out in TTAB Order, dated April 23, 2014, should be reset as follows:

Expert Disclosures Due	March 29, 2015
Discovery Closes	April 28, 2015
Plaintiff's Pretrial Disclosures Due	June 12, 2015
Plaintiff's 30-day Trial Period Ends	July 27, 2015
Defendant's Pretrial Disclosures Due	August 11, 2015
Defendant's 30-day Trial Period Ends	September 25, 2015
Plaintiff's Rebuttal Disclosures Due	October 10, 2015
Plaintiff's 15-day Rebuttal Period Ends	November 9, 2015

Based on the foregoing discussion, the parties respectfully request an Order granting the extended deadlines as set out above.

Respectfully submitted,

Dated: November 24, 2014

By:   
Robert L. Brewer, Esq.  
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v.		)	Opposition No. 91216036
		)	
Windy Hill Spirits, Inc.,		)	
	Applicant.	)	
_____		)	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of November, 2014, I caused to be served a true and correct copy of FIRST CONSENTED MOTION FOR EXTENSION OF TIME by email and by first class mail, postage prepaid, in an envelope addressed to:

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Marian Moore