

ESTTA Tracking number: **ESTTA888053**

Filing date: **04/05/2018**

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

Proceeding	91219198
Party	Plaintiff Matt Brewing Co., Inc.
Correspondence Address	THEODORE C MAX SHEPPARD MULLIN RICHTER & HAMPTON LLP 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-0015 UNITED STATES Email: docketing@sheppardmullin.com, ipdocketingdc@sheppardmullin.com, tmax@sheppardmullin.com, tbaker@sheppardmullin.com
Submission	Other Motions/Papers
Filer's Name	Theodore C. Max
Filer's email	tmax@sheppardmullin.com, tbaker@sheppardmullin.com, hpaik@sheppardmullin.com, ipdocketingdc@sheppardmullin.com
Signature	/Theodore C. Max/
Date	04/05/2018
Attachments	Consent Motion - 91219198.pdf(54125 bytes)

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

MATT BREWING CO., INC.)	<i>In re</i> Serial No. 86/027053
)	Mark: ADIRONDACK
)	BREWERY
)	
)	Opposition No.: 91219198
Opposer,)	
)	
v.)	
)	
ADIRONDACK PUB & BREWERY, INC.)	
)	
Applicant.)	

Consent Motion to Extend Discovery and Trial Dates

Opposer Matt Brewing Co., Inc. (“Matt Brewing”), through its undersigned counsel, hereby moves to extend the remaining discovery and trial dates in the above-captioned opposition proceeding by ninety (90) days, up to and including the dates set forth in the table below. Counsel for Applicant Adirondack Pub & Brewery, Inc. (“Adirondack”) has consented to this Motion.

The motion is not for purposes of delay. Due to scheduling issues which could not have been anticipated when the parties moved for the extension on January 5, 2017 and in view of the supplemental production made by Applicant on March 25, 2017, the parties now require additional time to complete discovery, namely, review of additional documents and depositions, as well as to resolve outstanding discovery issues relating to discovery responses and document production. The parties have been in communication throughout February and March in efforts to set workable deposition dates. The parties have conferred regarding workable dates for both

sides' deposition witnesses, and plan to conduct the necessary depositions by middle of June 2018.

The parties consent to and request the resetting of dates as follows:

Action	Current Deadline	Extended Deadline
Discovery Closes:	Apr. 5, 2018	Jul. 5, 2018
Plaintiff's Pretrial Disclosures Due:	May 21, 2018	Aug. 21, 2018
Plaintiff's 30-day Trial Period Ends:	Jul. 5, 2018	Oct. 5, 2018
Defendant's Pretrial Disclosures Due:	Jul. 19, 2018	Oct. 19, 2018
Defendant's 30-day Trial Period Ends:	Sept. 4, 2018	Dec. 5, 2018
Plaintiff's Rebuttal Disclosures Due:	Sept. 18, 2018	Dec. 31, 2018
Plaintiff's 15-day Rebuttal Period Ends:	Oct. 23, 2018	Jan. 25, 2019
Plaintiff's Opening Brief Due:	Dec. 18, 2018	Mar. 22, 2019
Defendant's Brief Due:	Jan. 7, 2019	Apr. 12, 2019
Plaintiff's Reply Brief Due	Feb. 1, 2019	May 9, 2019

For the reasons set forth above Opposer respectfully requests that the Board grant the requested extension.

Dated: April 5, 2018

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Theodore C. Max

THEODORE C. MAX

Attorneys for Opposer
MATT BREWING CO., INC.

30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 653-8700
Facsimile: (212) 653-8701

CONSENT

Applicant Adirondack Pub & Brewery, Inc hereby consents to Matt Brewing Co. Inc.'s
Consent Motion to Extend Discovery and Trial Dates as set forth above.

Respectfully submitted,

Dated: April 5, 2018

By: /Charles H. Knull/
Charles H. Knull
KNULL P.C.
The Film Center Building Suite 405
630 Ninth Avenue
New York, New York 10036
Tel. (646) 233-1376

Attorneys for Applicant,
Adirondack Pub & Brewery, Inc.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing OPPOSER MATT BREWING CO., INC.'s MOTION TO EXTEND DISCOVERY AND TRIAL DATES TO APPLICANT ADIRONDACK PUB & BREWERY, INC. was served by email on April 5, 2018 upon counsel of record for Applicant Adirondack Pub & Brewery, Inc. at the following email addresses:

Charles H. Knull, Esq.
chk@knullpc.com
Kate Rieber, Esq.
kate@knullpc.com
Knull P.C.
The Film Center Building Suite 405
630 Ninth Avenue
New York, New York 10036

/s/ Tyler E. Baker
TYLER E. BAKER