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

Proceeding	91219198
Party	Plaintiff Matt Brewing Co., Inc.
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Date	03/04/2019
Attachments	Consent Motion to Extend March 2018 Opp 91219198 Adirondack Brewery.pdf(69862 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 thirty (30) 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. On the same day the parties moved for the extension on January 9, 2019, the Trademark Trial and Appeal Board (“TTAB”) rendered its decision in Opposition Number 91219162 (*Great Adirondack Steak & Seafood Café, Inc. v. Adirondack Pub & Brewery, Inc.*), wherein TTAB sustained the opposition and refused registration of Applicant Adirondack’s ADIRONDACK BREWERY mark for beer in International Class 32 for likelihood of confusion with the GREAT ADIRONDACK BREWING COMPANY mark. The decision in Opposition Number 91219162 affects the above-captioned opposition because Matt Brewing’s marks, ADIRONDACK TRAIL MIX and ADIRONDACK

LAGER, encompass the word, “ADIRONDACK”, and are also registered in International Class 32 for beers and lager. Since Applicant has been refused registration of ADIRONDACK BREWERY mark in Opposition Number 91219162, the negotiations regarding the settlement of the subject opposition have been affected and the parties are in agreement that subject opposition should be suspended while the Applicant considers its legal options. In light of this development, the parties need additional time to confer with respect to this opposition and the other related, pending opposition between the parties (Opposition No. 9121318). As part of this effort, the parties are continuing to confer and correspond in order to reach an amicable resolution to this matter which is mutually agreeable to both parties.

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

Action	Current Deadline	Extended Deadline
Discovery Closes:	Mar. 2, 2019	Apr. 1, 2019
Plaintiff’s Pretrial Disclosures Due:	Apr. 16, 2019	May 16, 2019
Plaintiff’s 30-day Trial Period Ends:	May 31, 2019	Jun. 30, 2019
Defendant’s Pretrial Disclosures Due:	Jun. 5, 2019	Jul. 15, 2019
Defendant’s 30-day Trial Period Ends:	Jul. 30, 2019	Aug. 29, 2019
Plaintiff’s Rebuttal Disclosures Due:	Aug. 14, 2019	Sept. 13, 2019
Plaintiff’s 15-day Rebuttal Period Ends:	Sept. 13, 2019	Oct. 13, 2019
Plaintiff’s Opening Brief Due:	Nov. 12, 2019	Dec. 12, 2019
Defendant’s Brief Due:	Dec. 12, 2019	Jan. 11, 2020
Plaintiff’s Reply Brief Due:	Dec. 27, 2019	Jan. 26, 2020
Request for Oral Hearing (Optional) Due:	Jan. 6, 2020	Feb. 5, 2020

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

Dated: March 1, 2019

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Theodore C. Max

THEODORE C. MAX

Attorneys for Opposer
MATT BREWING CO., INC.

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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: March 1, 2019

By: /s/Charles H. Knull

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Attorneys for Applicant,
Adirondack Pub & Brewery, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2019, I caused a copy of the foregoing OPPOSER MATT BREWING CO., INC.'s MOTION TO EXTEND DISCOVERY AND TRIAL DATES TO APPLICANT ADIRONDACK PUB & BREWERY, INC. to counsel of record for Applicant Adirondack Pub & Brewery, Inc. at the following email addresses:

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/s/ Theodore C. Max
Theodore C. Max