

ESTTA Tracking number: **ESTTA807763**

Filing date: **03/16/2017**

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

Proceeding	91231360
Party	Plaintiff Cummins Engine IP, Inc.
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Submission	Other Motions/Papers
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Date	03/16/2017
Attachments	Cummins v. Honeywell - TTAB Opposition - Motion to Reset Deadlines Following Consent Motion.PDF(7338 bytes)

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

In the matter of Serial No. 87/036,427
Filed: May 13, 2016

For the mark: RECON
Published in the Official Gazette: August 2, 2016

CUMMINS ENGINE IP, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91231360
)	
HONEYWELL INTERNATIONAL, INC.)	
)	
Applicant.)	

MOTION TO RESET DEADLINES FOLLOWING CONSENT MOTION

Opposer, Cummins Engine IP, Inc. (“Opposer” or “Cummins”), respectfully requests that the deadlines for the proceedings in Opposition No. 91231360 be reset to accurately reflect the new June 30, 2017 deadline for the parties to provide Initial Disclosures.

Opposer filed a Motion for Suspension for Settlement With Consent on March 14, 2017, which was subsequently granted on March 14, 2017, suspending the proceedings for ninety (90) days and resulting in a reset of all future deadlines accordingly, so that the parties may finalize a resolution of the matter, pursuant to 37 CFR § 2.117(c).

As a result of an error in the filing and an ESTTA system discrepancy, the listed deadline for the parties to file Initial Disclosures in these proceedings was incorrectly updated to “CLOSED” in the new schedule, despite the fact that the deadline has not yet passed. Prior to Opposer’s filing of its Motion for Suspension for Settlement With Consent on March 14, 2017, the parties’ Initial Disclosures were due on April 1, 2017.

Opposer's Motion was granted, and thus the new deadline for the parties' Initial Disclosures should have been reset to June 30, 2017. Opposer hereby requests that the Board correct the error and reset the schedule accordingly, as follows:

Initial Disclosures Due :	06/30/2017
Expert Disclosure Due :	10/28/2017
Discovery Closes :	11/27/2017
Plaintiff's Pretrial Disclosures :	01/11/2018
Plaintiff's 30-day Trial Period Ends :	02/25/2018
Defendant's Pretrial Disclosures :	03/12/2018
Defendant's 30-day Trial Period Ends :	04/26/2018
Plaintiff's Rebuttal Disclosures :	05/11/2018
Plaintiff's 15-day Rebuttal Period Ends :	06/10/2018

Dated: March 16, 2017

Respectfully submitted,

CUMMINS ENGINE IP, INC.,

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CERTIFICATE OF SERVICE

I hereby certify that, on the 16th day of March, 2017, the foregoing Motion To Reset Deadlines Following Consent Motion was sent via email to Applicant's attorney of record, identified below, at the email address(es) below:

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Attorney for Opposer, Cummins Engine IP, Inc.