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Filing date: **12/23/2019**

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

Proceeding	91235518
Party	Defendant Robert Wallace DBA Del Rio Vineyards, LLC
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Signature	/Kevin M. Hayes/
Date	12/23/2019
Attachments	Opp. No. 91235518 - Response to Motion to Extend.pdf(114483 bytes )

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

Birds Eye Foods LLC,	)	APPLICANT'S RESPONSE TO
Opposer,	)	OPPOSER'S MOTION TO EXTEND
v.	)	WITHOUT CONSENT
	)	
Robert Wallace DBA Del Rio Vineyards, LLC,	)	Opposition No.: 91235518
Applicant.	)	Application. No. 87208811
	)	

**APPLICANT'S RESPONSE TO OPPOSER'S MOTION TO EXTEND  
DISCOVERY AND TRIAL DATES AND STATUS REPORT WITHOUT CONSENT**


Applicant does not consent to a further extension of this matter. Opposer filed this case nearly two and a half years ago. There have already been 16 extensions (see Dockets 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, and 36). If granted, this would be the 17<sup>th</sup> extension. (Emphasis added). Applicant seems to argue that an extension is justified because there is allegedly an ongoing settlement negotiation. However, Applicant made its last settlement offer more than 4 months ago and has not negotiated further concerning settlement since that time. Accordingly, Applicant has no good faith reason to seek a further, unconsented, extension. Also, Applicant has not suggested that it wanted to discuss settlement at the expense of not having the case go forward.

This is, moreover, not a case that seems arguably close where an unconsented and 17th extension might possibly be justified. Opposer's different mark is for goods not like wine at all.

In view of the foregoing, the Board should not grant a 17th extension in this matter.

Dated: December 23, 2019

By:



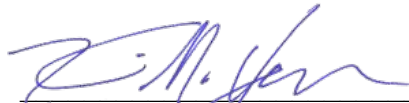
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Of Attorneys for Applicant  
Robert Wallace DBA Del Rio Vineyards, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 23, 2019, a true copy of the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S MOTION TO EXTEND WITHOUT CONSENT** was served on Opposer's Attorney by email, to:

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