

ESTTA Tracking number: **ESTTA1090324**

Filing date: **10/21/2020**

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

Proceeding	91237974
Party	Plaintiff Kyowa Hakko Bio Co., Ltd.
Correspondence Address	MARIA A SCUNGIO ROBINSON & COLE LLP 666 THIRD AVENUE, 20TH FLOOR NEW YORK, NY 10017 UNITED STATES Primary Email: mscungio@rc.com 212-451-2955
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Maria A. Scungio
Filer's email	mscungio@rc.com
Signature	/Maria A. Scungio/
Date	10/21/2020
Attachments	Consent Motion October 2020PDF.PDF(123141 bytes )

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

---

KYOWA HAKKO BIO CO., LTD.	)	
	)	
Opposer,	)	Opposition No. 91237974
	)	
v.	)	Application No. 87/319,504
	)	
TRINUTRA LTD.	)	Mark: COGNIBEN
	)	
Applicant.	)	

---

**CONSENT MOTION TO EXTEND PROCEEDING DATES**

Opposer, Kyowa Hakko Bio Co., Ltd., hereby respectfully requests that all remaining proceeding dates in this proceeding be extended by 30 days. Applicant Trinutra Ltd. has provided its consent to this motion.

Pursuant to the Board's Orders dated January 8, March 5, April 2, May 13, June 22, July 16, August 21, September 21 and October 21, 2020 following further consultation with Opposer, counsel for Opposer has exchanged email correspondence with Applicant's counsel on March 24, regarding more detailed timing information for trademark uses contained in Applicant's current product labelling and the completion of phase-out for original product labelling, to advance settlement discussions. Upon receipt of Applicant's responses, counsel for Opposer has sought input from Opposer's contacts located in Japan, regarding an updated settlement proposal. The issues pending resolution are the form of Applicant's mark for which co-existing use may be tolerated, timing for Applicant's implementation of changes in the form of Applicant's mark, inventory levels for goods bearing the original product label and trademark form, and any amendments to Applicant's U.S. App. No. 87/319,504 consistent with such proposal. We note

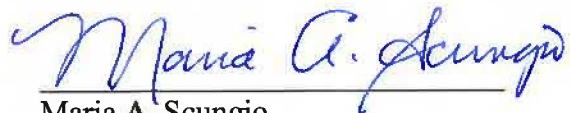
that the various government actions taken and rules implemented, regarding business closures and safety measures in Japan and Israel, where the respective party contacts are located, continue to impact turnaround timing for gathering information and instructions necessary to advance settlement. Based on communications with Applicant's counsel on October 21, Opposer estimates a timetable of 30 days, in which the parties will be able to evaluate terms for settlement, to bring this matter to conclusion.

The present motion, if granted, would result in the following resetting of dates in this proceeding:

Plaintiff's 30-day Trial Period Ends: **11/23/20**  
Defendant's Pretrial Disclosures: **12/8/20**  
Defendant's 30-day Trial Period Ends: **1/26/21**  
Plaintiff's Rebuttal Disclosures: **2/9/21**  
Plaintiff's 15-day Rebuttal Period Ends: **2/24/21**  
Plaintiff's Opening Brief: **4/26/21**  
Defendant's Brief Due: **5/27/21**  
Plaintiff's Reply Brief Due: **6/7/21**  
Request for Oral Hearing (optional) Due: **6/17/21**

Dated: October 21, 2020

Respectfully submitted,



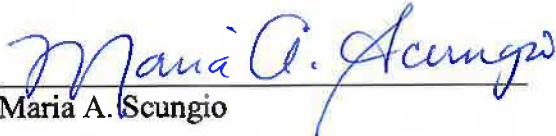
Maria A. Scungio  
Robinson & Cole LLP  
666 Third Avenue  
New York, NY 10017  
212-451-2955 Direct  
[mscungio@rc.com](mailto:mscungio@rc.com)  
Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Motion to Extend Proceeding

Dates has been served on the Applicant by emailing said copy on October 21, 2020 to:

Donna J. Bunton, Esq.  
Nixon & Vanderhye PC  
901 North Glebe Road, 11<sup>th</sup> Fl.  
Arlington, VA 22203  
[djb@nixonvan.com](mailto:djb@nixonvan.com)  
[nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

  
\_\_\_\_\_  
Maria A. Scungio