

ESTTA Tracking number: **ESTTA1137295**

Filing date: **06/01/2021**

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

Proceeding	91246335
Party	Plaintiff Spectrum Brands, Inc.
Correspondence Address	ANNE E NAFFZIGER LEYDIG VOIT & MAYER LTD 1981 N BROADWAY SUITE 310 WALNUT CREEK, CA 94596 UNITED STATES Primary Email: anaffziger@leydig.com Secondary Email(s): cstevens@leydig.com, calton@leydig.com 925-482-0103
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Anne E. Naffziger
Filer's email	anaffziger@leydig.com, sferraro@leydig.com
Signature	/Anne E. Naffziger/
Date	06/01/2021
Attachments	Consent Motion for 60-Day Extension.pdf(108902 bytes)

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

In re Opposition of:)	
)	
SPECTRUM BRANDS, INC.)	
)	
Opposer,)	Opposition No. 91246335
)	Serial No. 87827534
)	
v.)	
)	
GENTEX CORPORATION)	
)	
Applicant.)	
)	

CONSENT MOTION FOR EXTENSION OF DEADLINES

In accordance with 37 C.F.R. § 2.120(a)(2)(iv), Fed. R. Civ. P. 6(b), and TBMP § § 403.04 and 509.01(a), Opposer, Spectrum Brands, Inc. and Applicant, Gentex Corporation (collectively, the “Parties”), herein consent to and request the Board’s approval to extend the deadline to serve Initial Disclosures of May 31, 2021, and all remaining proceeding deadlines thereafter, by sixty (60) days. The Parties make this consented request in good faith and for good cause to allow the Parties to continue to engage in and focus on settlement discussions, and more specifically, to confer on a draft co-existence agreement under review by the parties.

As evidenced by the parties’ review and discussion of a draft agreement to settle this proceeding, it is in interest of the parties and the Board for the parties to focus on settlement in lieu of commencing and engaging in the discovery phase of the proceedings at this time.

In providing this summary of the status of settlement negotiations, including confirming consideration of a proposed settlement agreement by the parties, the parties believe they have

satisfied the Board's requirement to provide a report on the status of settlement in association with this extension request.

In light of the above, the Parties request all proceeding deadlines be reset by sixty (60) days as follows:

Initial Disclosures - 07/30/2021

Expert Disclosures - 11/27/2021

Discovery Closes - 12/27/2021

Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim - 02/10/2022

30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim - 03/27/2022

Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim - 04/11/2022

30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim - 05/26/2022

Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in

Position of Defendant in Counterclaim - 06/10/2022

30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in

Position of Defendant in Counterclaim - 07/25/2022

Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim - 08/09/2022

15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim - 09/08/2022

Opening Brief for Party in Position of Plaintiff in Original Claim - 11/07/2022

Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim - 12/07/2022

Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim - 01/06/2023

Rebuttal Brief for Party in Position of Plaintiff in Counterclaim - 01/21/2023

Request for Oral Hearing (optional) - 01/31/2023

In light of the foregoing, the Parties respectfully request that the Board grant this motion for the extension of deadlines as stated above, thus allowing the Parties to focus on settlement during the period of the extension.

Respectfully submitted,

S:/Matthew J. Gipson

Matthew J. Gipson
PRICE HENEVELD LLP
695 KENMOOR SE, P O BOX 2567
GRAND RAPIDS, MI 49501
mgipson@priceheneveld.com

Attorney for Applicant

Date: May 31, 2021

S: /Anne E. Naffziger/

Anne E. Naffziger
LEYDIG, VOIT & MAYER, LTD.
1981 N. Broadway, Suite 375
Walnut Creek, CA 94556
anaffziger@leydig.com

Attorney for Opposer

Date: May 31, 2021

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached CONSENTED MOTION TO REOPEN AND FOR EXTENSION OF DEADLINES was filed electronically with the Trademark Trial and Appeal Board on June 1, 2021:

S: /Anne E. Naffziger/

CERTIFICATE OF SERVICE

I hereby certify that a copy of this attached CONSENTED MOTION FOR EXTENSION OF DEADLINES was served upon the following individuals by email on June 1, 2021:

MATTHEW J GIPSON
PRICE HENEVELD LLP
695 KENMOOR SE, P O BOX 2567
GRAND RAPIDS, MI 49501
mgipson@priceheneveld.com,
awong@priceheneveld.com,
trentz@priceheneveld.com,
ptomail@priceheneveld.com

S: /Anne E. Naffziger/