

ESTTA Tracking number: **ESTTA1203808**

Filing date: **04/19/2022**

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

Proceeding no.	91264236
Party	Defendant Molly B'z Inc.
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Submission	Stipulated/Consent Motion to Extend
Filer's name	Brigid C. Mahoney
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Signature	/Brigid C. Mahoney/
Date	04/19/2022
Attachments	Joint Status Report and 60 EOT.pdf(618427 bytes)

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

Molly's Cupcakes IP Holding Company, LLC	Opposition No. 91264236
Opposer,	Serial Nos. 88/651117 and 88/651095
v.	
Molly B'z Inc.,	Attorney Docket No. 150179.80001
Applicant.	

JOINT STATUS REPORT AND MOTION TO EXTEND FOR 60 DAYS

Pursuant to T.B.M.P. § 403.01 and 37 CFR § 2.120(a), the parties, by and through the undersigned counsel, hereby respectfully request that all subsequent deadlines in the above proceeding be extended for an additional 60 days. The parties request a further extension of deadlines as set forth below due to the parties' continued progress with ongoing settlement negotiations.

This Motion is submitted with the consent of Opposer obtained via email from Opposer's counsel on April 18, 2022.

Pursuant to the Order entered on December 21, 2021, the Board requested that any further request for extension or suspension of deadlines must include a report reciting what progress the parties have made toward resolving the matter during the previous period of suspension or extension, including the following specific points.

- 1. Listing all dates on which the parties communicated; and**
- 2. The general nature of each communication;**

The Board's February 28, 2022 Order further specified that any additional requests for

extension or suspension must likewise include a current and detailed progress report on the parties' efforts.

The parties have communicated regarding a potential settlement at least the following dates, with the nature of such communications noted below:

Date	Summary of Communication
12/20/2021	Filed: Applicant files Consent Motion for 60 Day Extension.
1/12/2022	Emails: Applicant to Opposer with substantive response to settlement terms. Opposer acknowledges receipt.
1/26/2022	Email: Opposer to Applicant with response to latest settlement terms.
2/14/2022	Email: Applicant to Opposer with further settlement discussion and request for consent for extension.
2/15/2022	Email: Opposer acknowledges receipt of substantive settlement terms, and consents to 60 day extension; parties agree to prepare Joint Status Report and Request for Extension.
2/22/2022	Filed: Applicant files Joint Status Report and Consent Motion for 60 Day Extension (granted 2/28/2022).
3/29/2022	Email: Opposer to Applicant with response to latest settlement terms, further questions and offer for discussion.
4/1/2022	Telephone conference between counsel regarding possible settlement terms.
4/6/2022	Email: Applicant to Opposer with response and updates to latest settlement terms.
4/7/2022	Email: Opposer to Applicant confirming receipt.
4/13/2022	Emails: Applicant to Opposer re consent for further extension of time; Opposer to Applicant granting same.

3. Recitation of issues that have been resolved

Since the institution of this proceeding, the parties have made significant progress toward resolving the present dispute. Subject to reaching complete agreement, the parties have resolved many important issues in their negotiations, and have tentatively agreed on the following proposed settlement terms:

- Restrictions to the goods in Applicant's applications;
- Restrictions to the goods Applicant will market and sell;
- Restrictions to the branding Applicant will use for the goods in the subject applications;
- Restrictions to the colors Applicant will use in such branding; and
- Restrictions on Applicant's future use of its branding and to the contents of future applications by Applicant.

4. Recitation of issues that remain

While the parties have made significant progress toward resolving the present dispute, additional time is required to complete settlement discussions. Additional important issues remain, including the anticipated channels of trade of Applicant's goods, the possible future expansion of Applicant's line of goods, and the anticipated branding of such possible future expansion of goods. During this last extension period, the parties had productive discussions concerning these issues, and an updated settlement proposal is currently being reviewed by Opposer.

5. Timetable for resolution

The parties hope that they can complete their discussions of the issues remaining to be resolved and reach a final settlement within the next 60 days, and will work diligently to that end. Although the parties hope to reach an agreement on the remaining issues, they would like to ensure that there is sufficient time for additional discussions to resolve all outstanding issues, as well as for the parties to finalize, exchange, and execute a written agreement memorializing a settlement.

* * *

Given the information set forth above and the fact that the parties are diligently working towards a mutually beneficial settlement, the parties request that the proceeding be extended 60 days and all subsequent deadlines be reset as follows:

Time to Answer	06/19/2022
Deadline for Discovery Conference	07/19/2022
Discovery Opens	07/19/2022
Initial Disclosures Due	08/18/2022
Expert Disclosures Due	12/16/2022
Discovery Closes	01/15/2023
Plaintiff's Pretrial Disclosures Due	03/01/2023
Plaintiff's 30-day Trial Period Ends	04/15/2023
Defendant's Pretrial Disclosures Due	04/30/2023
Defendant's 30-day Trial Period Ends	06/14/2023
Plaintiff's Rebuttal Disclosures Due	06/29/2023
Plaintiff's 15-day Rebuttal Period Ends	07/29/2023
Plaintiff's Opening Brief Due	09/27/2023
Defendant's Brief Due	10/27/2023
Plaintiff's Reply Brief Due	11/11/2023
Request for Oral Hearing (optional) Due	11/21/2023

The parties hereby request that the deadlines in the above proceeding be extended as set forth above.

Dated this 19th day of April 2022.

Respectfully submitted,

BARACK FERRAZZANO KIRSCHBAUM
& NAGELBERG LLP

SEED IP LAW GROUP LLP

/Thomas M. Gniot/ with permission

/Brigid C. Mahoney/

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Attorneys for Opposer

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2022, the foregoing **JOINT STATUS REPORT AND MOTION TO EXTEND FOR 60 DAYS** was served on Opposer's counsel by email, addressed as follows:

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