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Filing date: **01/18/2022**

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

Proceeding no.	91264471
Party	Defendant Mead Johnson & Company LLC
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Submission	Motion to Extend
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Date	01/18/2022
Attachments	15176660_3.pdf(166093 bytes)

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

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The a2 Milk Company Limited, : Opposition No. 91256426 (parent)
: Serial No. 88/650807
Mark: ENFAMIL A2
Opposer, : Filing Date: 10//11/2019
Publication Date: 02/18/2020
- against - :
Mead Johnson & Company LLC, : Opposition No. 91264471
: Serial No. 88/757,883
Mark: ENFAMIL A2 PREMIUM
Applicant. : Filing Date: 01/14/2020
Publication Date: 05/05/2020
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JOINT MOTION TO EXTEND TIME TO ANSWER WITH STATUS REPORT

Pursuant to Fed. R. Civ. P. 6(b) and Rule 509 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Applicant Mead Johnson & Company, LLC (“Applicant”) and Opposer The a2 Milk Company Limited (“Opposer”) (Applicant and Opposer are collectively referred to as the “Parties”) hereby jointly move the Board for an Order extending the deadlines in the Consolidated Proceeding by 60 days. In support of this motion, the Parties state:

1. On June 17, 2020, Opposer filed its Notice of Opposition to Applicant’s registration of the mark ENFAMIL A2 in Application Serial No. 88/650,807, the Board instituted Opposition No. 91256426 (“the ‘426 Opposition”), and a scheduling order issued.

2. On August 28, 2020, Opposer filed its Notice of Opposition to Applicant’s registration of the mark ENFAMIL A2 PREMIUM in Application Serial No. 88/757,883, the Board instituted Opposition No. 91264471 (“the ‘471 Opposition”), and a scheduling order issued.

3. On October 3, 2020, the parties made a joint motion to consolidate the two proceedings, which the Board granted on November 7, 2020.

4. The parties entered into settlement negotiations on this matter and made several motions to extend the time to answer because of the ongoing discussions, which were granted. In the last order on November 12, 2021 granting a request for extension of time, the Board ordered that any future requests for extensions for settlement must include a status report with information including the dates on which the parties communicated and the method of communication, the general nature of each communication, the issues that have been resolved and the issues that remain to be resolved or that remain for trial, and a proposed timetable for resolution of the remaining issues. Below is the status report submitted by the parties.

STATUS REPORT

5. Since the date of the last extension, the parties have been discussing settlement terms. The settlement communications have been by email exchanged at various dates during this time period.

6. The communications between the parties have concerned the nature of a settlement proposal. Opposer proposed detailed settlement terms on January 4, 2022. Since then the parties have exchanged communications on January 6, 7 and 12 regarding clarifications on the terms proposed.

7. The issues that remain to be resolved by the '426 Opposition and the '471 Opposition concern whether there is a likelihood of confusion between Opposer's and Applicant's marks. The parties are working toward a settlement that will eliminate the

need to resolve these issues, and that will allow the pending applications to be maintained and the '426 Opposition and the '471 Opposition withdrawn.

8. The parties are hopeful that they can reach a final agreement on settlement within the next 60 days, though they may require additional time beyond that for an agreement to be finalized and fully executed.

* * *

9. The parties thus request that, based on good cause having been shown, the Board approve the following proposed modified schedule, which extends the deadlines in this case by sixty (60 days).

Deadline/Event	Current Date	Proposed Date
Time to Answer	1/18/2022	3/21/2022
Deadline for Discovery Conference	2/17/2022	4/18/2022
Discovery Opens	2/17/2022	4/18/2022
Initial Disclosures Due	3/19/2022	5/18/2022
Expert Disclosures Due	7/17/2022	9/15/2022
Discovery Closes	8/16/2022	10/17/2022
Plaintiff's Pretrial Disclosures Due	9/30/2022	11/29/2022
Plaintiff's 30-day Trial Period Ends	11/14/2022	1/13/2023
Defendant's Pretrial Disclosures Due	11/29/2022	1/30//2023
Defendant's 30-day Trial Period Ends	1/13/2023	3/14/2023
Plaintiff's Rebuttal Disclosures Due	1/28/2023	3/29/2023
Plaintiff's 15-day Rebuttal Period Ends	2/27/2023	4/28/2023
Plaintiff's Opening Brief Due	4/28/2023	6/27/2023

Defendant's Brief Due	5/28/2023	7/27/2023
Plaintiff's Reply Brief Due	6/12/2023	8/11/2023
Request for Oral Hearing (optional) Due	6/22/2023	8/21/2023

THEREFORE, the Parties respectfully request that this Joint Motion to Extend Time be granted.

Dated: New York, New York
January 18, 2022

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