

ESTTA Tracking number: **ESTTA1189408**

Filing date: **02/07/2022**

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

Proceeding no.	91270064
Party	Plaintiff PepsiCo, Inc.
Correspondence address	PAUL J. REILLY BAKER BOTTS L.L.P. 2001 ROSS AVE., SUITE 900 DALLAS, TX 75201-2900 UNITED STATES Primary email: paul.reilly@bakerbotts.com Secondary email(s): daltmdept@bakerbotts.com, nytm-dpt@bakerbotts.com 214-953-6849
Submission	Stipulated/Consent Motion to Extend
Filer's name	Paul J. Reilly
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Signature	/Paul J. Reilly/
Date	02/07/2022
Attachments	2022.02.07 Consent Mtn to Extend.pdf(20390 bytes )

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

**IN THE MATTER OF APPLICATION**

Mark : WITH ALL DEW RESPECT  
 Applicant : Zachary Gwin  
 Serial No. : 90144519  
 Filed : August 28, 2020  
 Published in :  
 the **Official Gazette** February 23, 2021

PEPSICO, INC.,	:	
	:	
Opposer/Plaintiff,	:	
	:	
v.	:	Opposition No.: 91270064
	:	
ZACHARY GWIN,	:	
	:	
Applicant/Defendant.	:	
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**MOTION ON CONSENT TO  
EXTEND DISCOVERY AND TRIAL DATES**

Opposer, PepsiCo, Inc. (“PepsiCo” or "Opposer"), by its attorneys, hereby respectfully moves the Trademark Trial and Appeal Board (“Board”), with the consent of Applicant, Defendant Zachary Gwin, requested on January 28, 2022 and obtained on February 1, 2022 via e-mail, for an order extending the terms for discovery and testimony by sixty (60) days in accordance with the following schedule:

	<u>Current Schedule</u>	<u>Proposed Schedule</u>
Expert Disclosures Due	01/29/2022	03/30/2022
Discovery Closes	02/28/2022	04/29/2022
Plaintiff’s Pretrial Disclosures Due	04/14/2022	06/13/2022
Plaintiff’s 30-day Trial Period Ends	05/29/2022	07/28/2022

Defendant's Pretrial Disclosures Due	06/13/2022	08/12/2022
Defendant's 30-day Trial Period Ends	07/28/2022	09/26/2022
Plaintiff's Rebuttal Disclosures Due	08/12/2022	10/11/2022
Plaintiff's 15-day Rebuttal Period Ends	09/11/2022	11/10/2022
Plaintiff's Opening Brief Due	11/10/2022	01/09/2023
Defendant's Brief Due	12/10/2022	02/08/2023
Plaintiff's Reply Brief Due	12/25/2022	02/23/2023
Request for Oral Hearing (optional) Due	01/04/2023	03/05/2023

This extension of time is requested because the parties are unable to complete discovery/testimony during the assigned period. This motion is made in good faith and without any intention of causing a delay in this proceeding.

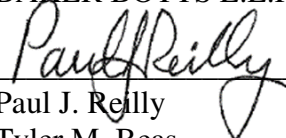
WHEREFORE, for the reasons stated and the good cause shown herein, Opposer, by its counsel and with Applicant's consent, respectfully requests that the deadline for discovery and trial dates be extended and reset in accordance with the above schedule.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: February 7, 2022

By:

  
 Paul J. Reilly  
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 Dallas, TX 75201  
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*Attorneys for Opposer,  
 PEPSICO, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, a true and accurate copy of the foregoing  
**“MOTION ON CONSENT TO EXTEND DISCOVERY AND TRIAL DATES”** was served  
by e-mail on the following counsel of record for Applicant as follows:

Daniel J. Bretzius  
Dan B Law PLLC  
75 South Main Street, #272  
Concord, NH 03301  
Dan@DanBLaw.com

Dated: February 7, 2022

By:   
Tyler M. Beas