

ESTTA Tracking number: **ESTTA1277669**

Filing date: **04/11/2023**

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

Proceeding no.	91272190
Party	Plaintiff Seeley International Pty Ltd
Correspondence address	KATHERINE KOENIG KOENIG IP WORKS, PLLC 2208 MARINER DR FORT LAUDERDALE, FL 33316 UNITED STATES Primary email: mail@koenigipworks.com 954-903-1699
Submission	Stipulated/Consent Motion to Extend
Filer's name	Katherine Koenig
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Signature	/Katherine Koenig/
Date	04/11/2023
Attachments	1006-13TO_ConsentedMotiontoExtend.pdf(182661 bytes)

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

In the matter of Trademark Serial No. 79287669 for COOLICON

_____)	
Seeley International Pty Ltd)	
)	
Opposer,)	
)	
vs.)	
)	Opposition No. 91272190
Blue Marmalade Ltd)	
)	
Applicant.)	
_____)	

CONSENTED MOTION FOR A 30-DAY EXTENSION OF TIME

Applicant Blue Marmalade Ltd’s deadline for filing an Answer is April 11, 2023. However, both parties, pursuant to 37 C.F.R. § 2.127 and § 509.01 of the Trademark Board Manual of Procedures (TBMP), respectfully request the Board for a thirty (30) day extension of time to file an Answer (or otherwise respond) to the Notice of Opposition. Both parties request and agree that the deadline for Applicant to respond to the Notice of Opposition be extended to May 11, 2023, and that all remaining dates and deadlines in the current proceeding be extended accordingly.

In the Board’s decision granting Applicant’s request for a 30-day extension of time filed March 13, 2023, the Board requires that this Motion be “supported by a detailed report to establish good cause by reciting (1) the dates on which the parties have communicated since the last motion, (2) the method of each communication (e.g., telephone, email, in-person, etc.), (3) the general nature of each communication, (4) a list of issues that have been resolved, (5) a list of

issues that remain to be resolved or remain for trial, and (6) a proposed timetable for resolution of the unresolved issues.” In response, the following information is provided:

The parties have been negotiating a settlement agreement since the present Opposition was filed. The parties and their counsel are separated by many hours of time difference (Lonsdale, Australia; Edinburgh, Scotland; Fort Lauderdale, Florida; and Issaquah, Washington), which can delay progress despite diligent efforts being made by the parties to reach a resolution. Additionally, the parties worked through several rounds of proposed changes to the agreement and various considerations involving geographic scope, amendments to the listed goods in the COOLICON application, requirements and responsibilities of the parties, *etc.* **However**, the parties have now arrived at a final agreement and now only need time to coordinate signatures by Applicant and Opposer (anticipated within a week). To Opposer’s information and belief, all issues have been resolved, and no issues remain for trial.

Applicant previously filed a request for a 30-day extension of time on March 13, 2023. Since that time, the following communications have occurred:

- March 24, 2023: Opposer’s counsel emailed Applicant’s counsel for an update as to whether Applicant agreed to Opposer’s most recently proposed changes to the agreement.
- March 31, 2023: Applicant’s counsel replied to Opposer’s counsel, noting that she was waiting for final input and/or approval from Applicant. Email was acknowledged by Opposer’s counsel on March 31, 2023.
- April 05, 2023: Applicant’s counsel reported that Applicant agreed to Opposer’s most recently proposed changes to the agreement, and forwarded the final document for execution.

- April 05, 2023: Opposer's counsel acknowledged email and final document, then forwarded same to Opposer for final review and signature.
- April 06-08, 2023: Correspondence between Opposer and Opposer's counsel regarding obtaining signature from Opposer. Opposer's counsel was advised that execution would be delayed briefly because of business travel by representatives of Opposer authorized to sign, but that it would be a priority upon their return.
- April 07, 2023: Opposer's counsel called Applicant's counsel and left a message noting the delay and circumstances.
- April 10 and 11, 2023: Emails between Opposer's counsel and Applicant's counsel regarding request for 30-day extension and consent therefor. Opposer's Counsel provided consent to this extension request by email on April 11, 2023.

Accordingly, the parties believe that good cause for requesting the 30-day extension has been shown and consideration by the Board is respectfully requested.

Respectfully submitted,

Date: April 11, 2023

/Katherine Koenig/

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CERTIFICATE OF SERVICE

hereby certify that a true and complete copy of the foregoing CONSENTED MOTION FOR A 30-DAY EXTENSION OF TIME was served on counsel for the Applicant by forwarding said copy on April 11, 2023, via email to:

Julianne A. Henley
julianne@sparrowip.com

of

Sparrow IP PLLC
1567 Highlands Drive NE, Suite 110-290
Issaquah, WA 98029

Date: April 11, 2023

/Katherine Koenig/
Katherine D. Koenig