

ESTTA Tracking number: **ESTTA1302337**

Filing date: **08/08/2023**

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

Proceeding no.	91274910
Party	Plaintiff Brink Biologics, Inc.
Correspondence address	ALICIA M PASSERIN LEECH TISHMAN FUSCALDO & LAMPL 525 WILLIAM PENN PLACE, 28TH FLOOR PITTSBURGH, PA 15219 UNITED STATES Primary email: ipdocket@leechtishman.com Secondary email(s): apasserin@leechtishman.com, dpeake@leechtishman.com 412-261-1600
Submission	Other Motions/Submissions
Filer's name	Alicia M. Passerin
Filer's email	ipdocket@leechtishman.com, apasserin@leechtishman.com, dpeake@leechtishman.com
Signature	/Alicia M. Passerin/
Date	08/08/2023
Attachments	BRINK-1-OPP Consent Motion for 30 day EOT to Respond to Counterclaim 4884-6549-8742 v.1.pdf(97642 bytes)

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

BRINK BIOLOGICS, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91274910
)	
AGILENT TECHNOLOGIES, INC.)	
)	
Applicant.)	
_____)	

**CONSENTED MOTION TO RESPOND TO COUNTERCLAIM AND TO
SUSPEND PROCEEDINGS FOR SETTLEMENT DISCUSSIONS**

Now comes the Opposer, Brink Biologics, Inc., who hereby respectfully moves the Board, under 37 CFR 2.117(c), to suspend the above-identified opposition for thirty (30) days, and to reset all subsequent dates in the calendar by thirty (30) days, such that Brink Biologics, Inc. may file its Answer to the Counterclaim filed by Applicant and the parties may continue settlement negotiations.

Opposer has secured the express consent of the Applicant for the suspension and resetting of dates requested herein.

The parties request that the following schedule be adopted:

Answer to Counterclaim due	09/09/2023
Deadline for Discovery Conference	10/11/2023
Discovery Opens	10/11/2023
Initial Disclosures Due	11/10/2023
Expert Disclosures Due	03/09/2024
Discovery Closes	04/08/2024
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	05/23/2024
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	07/07/2024
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	07/22/2024

30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	09/05/2024
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	09/20/2024
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	11/04/2024
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	11/19/2024
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	12/19/2024
Opening Brief for Party in Position of Plaintiff in Original Claim Due	02/17/2025
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	03/19/2025
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	04/18/2025
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	05/03/2025
Request for Oral Hearing (optional) due	05/13/2025

Date: August 8, 2023

Respectfully submitted,

LEECH TISHMAN FUSCALDO & LAMPL, LLC

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Alicia M. Passerin, Esq.
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Attorneys for Brink Biologics, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Consented Motion to Respond to Counterclaim and to Suspend Proceedings for Settlement Discussions was served by email on Applicant Agilent Technologies, Inc. by emailing a copy to Applicant’s attorney of record, Craig A. Beaker of Holland & Hart LLP, at docket@hollandhart.com, agarcia@hollandhart.com, cabeaker@hollandhart.com, and aepierce@hollandhart.com, as required pursuant to 37 CFR § 2.119 and TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE § 113.04, on the date set forth below.

Date: August 8, 2023

/Alicia M. Passerin/
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