

ESTTA Tracking number: **ESTTA1259873**

Filing date: **01/13/2023**

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

Proceeding no.	91282278
Party	Defendant Berry Global, Inc.
Correspondence address	ERIC L. JOHNSON 101 OAKLEY STREET EVANSVILLE, IN 47710 UNITED STATES Primary email: ericljohnson@berryglobal.com Secondary email(s): annmorouney@berryglobal.com 812-250-3785
Submission	Motion to Extend
Filer's name	Mark J. Nahnsen
Filer's email	mnahnsen@btlaw.com, mandrade@btlaw.com, trademarks-ch@btlaw.com
Signature	/Mark J. Nahnsen/
Date	01/13/2023
Attachments	91282278_TTAB_ Motion to Extend Time to Answer Notice of Opposition - Good Cause_ Aston Martin_ Berry Global.pdf(24562 bytes)

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

Aston Martin Lagonda Limited LLC)	
)	
Opposer)	
)	
v.)	Opposition No. 91282278
)	Serial No. 97/093762
)	
Berry Global, Inc.)	
)	
Applicant)	

CONSENT MOTION TO EXTEND TIME TO ANSWER NOTICE OF OPPOSITION

Pursuant to TBMP 509.01(a), Applicant Berry Global hereby requests the time in which to answer the above-noted Notice of Opposition, including all conference, disclosure, discovery and trial deadlines, be extended thirty (30) days to and including **February 21, 2023** to allow time for the parties to continue to negotiate a potential settlement of this matter. Applicant's deadline for answering the Notice of Opposition has not yet expired. Counsel for Opposer, Aston Martin Lagonda Limited, has consented to this extension. The new proposed dates are as follows:

CONFERENCE, DISCOVERY, DISCLOSURE AND TRIAL SCHEDULE

Time to Answer	2/21/2023
Deadline for Discovery Conference	3/20/2023
Discovery Opens	3/20/2023
Initial Disclosures Due	4/22/2023
Expert Disclosures Due	8/20/2023
Discovery Closes	9/19/2023
Plaintiff's Pretrial Disclosures Due	11/3/2023
Plaintiff's 30-day Trial Period Ends	12/17/2023
Defendant's Pretrial Disclosures Due	1/2/2024
Defendant's 30-day Trial Period Ends	2/16/2024
Plaintiff's Rebuttal Disclosures Due	2/31/2024

Plaintiff's 15-day Rebuttal Period Ends	4/1/2024
Plaintiff's Opening Brief Due	5/30/2024
Defendant's Brief Due	6/30/2024
Plaintiff's Reply Brief Due	7/14/2024
Request for Oral Hearing (optional) Due	7/24/2024

Good cause exists, as the parties continue to be actively engaged in good faith settlement discussions. As evidence of such, Applicant submits that both parties have maintained an open channel of communication and have been actively discussing and negotiating a resolution to this dispute. The parties have exchanged at least two (2) rounds of proposals and counter-proposals, and are now entering the third round of good faith settlement negotiations. Since the commencement of the proceeding, progress has been made, as Applicant has agreed to remove Class 012 from its application for registration, as requested by Opposer. Applicant remains hopeful that this matter can be settled expeditiously in the next sixty (60) to ninety (90) days.

This request for an extension of time to answer the Notice of Opposition is being submitted electronically, and approval is respectfully requested.

Respectfully submitted,

Date: January 13, 2023

/s/ Mark J. Nahnsen
Mark J. Nahnsen
BARNES & THORNBURG, LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Telephone: (312) 214-4810

Attorney for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the CONSENT MOTION TO EXTEND TIME TO ANSWER NOTICE OF OPPOSITION was served this 13th day of January, 2023, via email, upon Opposer's Attorney, as follows:

Jessica A. Ekhoﬀ
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP
200 S. Wacker Dr. STE. 2900
Chicago, Illinois 60606
jae@pattishall.com

Attorney for Opposer

/s/ Mark J. Nahnsen
Mark J. Nahnsen
BARNES & THORNBURG, LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Telephone: (312) 214-4810

Attorney for Applicant