

ESTTA Tracking number: **ESTTA1262474**

Filing date: **01/27/2023**

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

Proceeding no.	91282765
Party	Defendant Novan, Inc.
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Date	01/27/2023
Attachments	Motion for Extension of Time .pdf(148140 bytes )

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

In the Matter of U.S. Trademark Application No. 97/090,176:  
**KINSOLUS**

ELI LILLY AND COMPANY,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91282765
	)	
NOVAN, INC.,	)	
	)	
Applicant.	)	
	)	

**MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

In accordance with Trademark Trial and Appeal Board (“Board”) Manual of Procedure (TBMP) §§ 509.01(a) and 310.03(c) (2022), Novan, Inc. (“Applicant”) moves to extend by sixty (60) days its time to answer the Notice of Opposition by Eli Lilly and Company (“Opposer”) for the following good cause:

Applicant, an emerging company based in North Carolina’s Research Triangle that has received conditional acceptance from the U.S. Food and Drug Administration to use the contested name KINSOLUS on its first pharmaceutical product, requires more time to assess whether to engage in a litigated proceeding against Opposer, a multinational company, and requests additional time to explore whether this dispute can be resolved without resort to protracted litigation. Applicant believes that within the requested time frame a resolution may be reached that is acceptable to both parties, and, for these reasons as well as in the interests of efficiency and judicial economy, respectfully requests that the Board grant this motion. In making this request, Applicant is mindful of its responsibility not to abuse the privilege of extensions and notes that this is its first

such request and that its time to answer has not elapsed. *Am. Vitamin Prods. Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313, 1315 (TTAB 1992) (“Ordinarily, the Board is liberal in granting extensions of time before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused.”)

Accordingly, Applicant respectfully requests that the Board grant its motion for an extension of time to answer the Notice of Opposition.

Date: January 27, 2023

Respectfully submitted,

SMITH, ANDERSON, BLOUNT, DORSETT,  
MITCHELL & JERNIGAN, L.L.P.

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**Certificate of Service**

I hereby certify that a true and complete copy of the foregoing Motion for an Extension of Time to File an Answer has been served this 27th day of January, 2023, via electronic mail upon the following:

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