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

Proceeding no.	91285236
Party	Plaintiff Nelson's Green Brier Distillery, LLC
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Attachments	GLENBRIAR -- Opp to Unconsented Mt for Ext.pdf(126273 bytes )

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

In the Matter of Application Serial No. 97/325,559  
Published in the Official Gazette of February 14, 2023

NELSON’S GREEN BRIER DISTILLERY, LLC,

Opposer,

v.

TRINITY BAY LLC,

Applicant.

Opposition No. 91285236

**OPPOSER’S OPPOSITION TO APPLICANT’S  
REQUEST FOR 150-DAY EXTENSION OF TIME TO  
FILE ANSWER, WITH DECLARATION IN SUPPORT**

Applicant moves, without any substantive explanation or supporting facts, to extend deadlines in this opposition by 150 days. Its Motion consists merely of a proposed schedule and the naked assertion that it “needs additional time to investigate the claim.” But this statement has no meaning. Applicant does not explain why it needs any additional time, let alone 150 days. Applicant fails to show good cause justifying any extension. Applicant’s Motion should be denied.

“[A] motion to extend must set forth with particularity the facts said to constitute good cause; ‘cursory or conclusory allegations that are denied unequivocally by the nonmovant, and that are not otherwise supported by the record, will not constitute a showing of good cause.’” *Trans-High Corp. v. JFC Tobacco Corp.*, 127 USPQ2d 1175, 1177 (TTAB 2018) (quoting *Instruments SA, Inc. v. ASI Instruments, Inc.*, 53 USPQ2d 1925, 1927 (TTAB 1999); see also *Luemme, Inc. v. D.B. Plus Inc.*, 53 USPQ2d 1758, 1760 (TTAB 1999)). Applicant’s motion lacks any such facts and fails to meet these standards. Applicant cites no facts, and provides no supporting evidence, that demonstrate its alleged need to extend its deadline to Answer.

Applicant already has had at least 115 days to investigate Opposer’s claims:

- The Application was published for opposition on February 14, 2023;
- Opposer timely requested a 90-day extension to oppose it on March 13, 2023;
- Applicant filed a “Request for Reconsideration” on April 22, 2023, objecting to the extension of time and arguing that there is no likelihood of confusion, [TTAB No. 97325559; 3 TTABVUE.];
- Opposer filed a Notice of Opposition on May 26, 2023, [1 TTABVUE.];
- Applicant has not contacted Opposer since the Opposition was instituted on May 26, 2023, [Declaration of Edward F. Maluf ¶ 1.];
- Therefore, Applicant never sought consent from Opposer for an extension of time to answer the Notice of Opposition, [Id. ¶ 2.];
- Thus, Opposer has not withheld its consent from Applicant in obtaining an extension to file its answer, [Id.];

While the Board grants extensions of time for good cause, there is no good cause here. An extension of 150 days would do nothing more than delay these proceedings. Applicant’s request to extend is facially unreasonable, particularly given Applicant’s failure to provide any facts or good cause in support. Accordingly, Opposer respectfully requests that the Board deny Applicant’s Motion.

To the extent the Board finds sufficient cause to grant an extension, Opposer respectfully requests that it be limited to 30 days from the original deadline, *i.e.*, July 5, 2023.

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SEYFARTH SHAW LLP

Date: July 5, 2023

By: Edward F. Maluf

Edward F. Maluf

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**DECLARATION OF EDWARD F. MALUF**

I, Edward F. Maluf, am a partner in the firm Seyfarth Shaw LLP, attorneys for Opposer Nelson’s Green Brier Distillery, LLC (“Opposer”) in this opposition proceeding. Pursuant to 28 U.S.C. Section 1746, I hereby declare under penalty of perjury that, to the best of my knowledge, information and belief:

1. Applicant has not contacted Opposer since the Opposition was instituted on May 26, 2023.
2. Applicant never sought consent from Opposer for an extension of time to answer the Notice of Opposition, and Opposer has not withheld its consent from Applicant in obtaining an extension to file its answer.

Executed on this 5th day of July, 2023 at New York, New York.

/ Edward F. Maluf /  
Edward F. Maluf

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S OPPOSITION TO APPLICANT'S REQUEST FOR 150-DAY EXTENSION OF TIME TO FILE ANSWER, WITH DECLARATION IN SUPPORT** has been served on Applicant Trinity Bay LLC, by forwarding said copy on July 7, 2023, via email, to the correspondence address of record for Applicant at ilialerner@yahoo.com.

*/John C. Heinbockel/* \_\_\_\_\_  
John C. Heinbockel