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

Proceeding	92067794
Party	Plaintiff Joshua S. Schoonover
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	Joshua S. Schoonover
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Date	02/05/2021
Attachments	2021-02-05_Consent-Motion-Cross.pdf(142043 bytes )

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

In the Matter of Reg. No. 2,207,535 issued on December 1, 1998 and  
Reg. No. 3,598,502 issued on March 31, 1999

Joshua S. Schoonover,	)	
	)	
Petitioner,	)	
	)	Cancellation No.: 92067794 (parent)
vs	)	
	)	
	)	Cancellation No. 92069499
The Burton Corporation,	)	
	)	
Registrant,	)	

**CONSENT MOTION TO CONTINUE CROSS EXAMINATIONS**

Petitioner, Joshua S. Schoonover (“Petitioner”), previously noticed cross-examinations of witnesses Steven Cooley, Christopher L. Cunningham, Eric Gaisser, and Mark D. Wakeling. (42 TTABVUE through 45 TTABVUE).

Petitioner was unable to complete the cross-examinations on January 26, 2021 as originally noticed. Petitioner respectfully submits that the inability to complete the cross-examinations on January 26, 2021 was due to a family medical emergency.

Petitioner and Registrant’s counsel met and conferred in a good faith effort to reschedule the cross-examinations, and the parties agreed to reschedule the cross-examination of witnesses Steven Cooley, Christopher L. Cunningham, Eric Gaisser, and Mark D. Wakeling, subject to all four cross exams occurring on the same business day and during normal business hours (9:00am – 5:00pm) in the eastern time zone with a goal of minimizing any impact on Registrant. The parties have further agreed to reschedule the cross examinations for Friday, February 12, 2021. Petitioner

is concurrently submitting copies of Substitute Notices for the record. The parties agree regarding rescheduling the cross-examinations, and Registrant, through counsel, has agreed to make the witnesses available at the day and times as indicated on the Substitute Notices.

On January 27, 2021, the Board issued an Order (46 TTABVUE) resetting remaining dates in the trial calendar as follows:

Plaintiff's Rebuttal Disclosures Due	2/12/2021
Plaintiff's 15-day Rebuttal Period Ends	3/14/2021
Plaintiff's Opening Brief Due	5/13/2021
Defendant's Brief Due	6/12/2021
Plaintiff's Reply Brief Due	6/27/2021
Request for Oral Hearing (optional) Due	7/7/2021

Petitioner believes the continued cross examinations, now scheduled as between the parties for February 12, 2021, can be completed and transcripts obtained in sufficient time to meet the deadline of Plaintiff's 15-day Rebuttal Period, *i.e. March 14, 2021*. As such, it is requested that the trial dates remain as previously reset by the Board on January 27, 2021.

Petitioner respectfully submits that he has good cause for rescheduling the cross examinations, and that he has obtained the written consent of Registrant's counsel in support of this consented motion.

In view of the above, Petitioner respectfully requests the Board to: (i) permit the parties to reschedule and conduct the cross examinations of witnesses Steven Cooley, Christopher L. Cunningham, Eric Gaisser, and Mark D. Wakeling according to the Substitute Notices of Election to Take Oral Cross Examinations as concurrently submitted on February 5, 2021; and (ii) issue an Order indicating that the trial calendar will remain as previously reset by the Board on January 27, 2021.

Respectfully submitted,

Dated: Feb. 5, 2021

By: /Joshua S. Schoonover/  
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Attorney for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing CONSENT MOTION TO CONTINUE CROSS EXAMINATIONS has this 5th day of February 2021 been delivered via email to the below-identified Attorney/Correspondent for the Respondent:

tmip@drm.com

Signature: /Joshua S. Schoonover/

Date: February 5, 2021