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

Proceeding no.	92081595
Party	Plaintiff Mercury One, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Signature	/D. Scott Hemingway/
Date	05/04/2023
Attachments	05.04.23.vjt JOINT MOTION TO EXTEND SCHEDULING ORDER.pdf(249067 bytes )

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

**Cancellation No.: 92081595**

***In the matter of:***

1. Reg. No. 6,008,523; word mark HONEST HISTORY Filed: April 19, 2018, Registration Date: March 10, 2020
2. Reg. No. 6,504,087; word mark HONEST HISTORY Filed: October 22, 2020, Registration Date: September 28, 2021
3. Reg. No. 6,504,088; word mark HONEST HISTORY Filed: October 22, 2020, Registration Date: September 28, 2021

***MERCURY ONE, INC.,  
PETITIONER/PLAINTIFF,***

***V.***

***HONEST HISTORY CO.,  
RESPONDENT/DEFENDANT.***

**JOINT MOTION TO EXTEND SCHEDULING ORDER  
DEADLINES**

Pursuant to the Board's February 14, 2023 Notice of Institution, the Parties jointly conducted a Discovery Conference by and through the counsel for Petitioner Mercury One, Inc. and Respondent Honest History Co. The Parties discussed the following issues, such as: (1) the nature and basis of their claims and defenses, (2) the possibility of promptly settling, or at least narrowing the scope of claims or defenses, and (3) arrangements for disclosures, discovery, preserving discoverable information and introduction of evidence at trial.

**I. Joint Motion to Extend Certain Deadlines**

The Parties have agreed to extend certain Discovery, Disclosure and Trial deadlines as follows, and the Parties respectfully request that the following Proposed New Deadlines be adopted in this proceeding. The Parties believe these extended deadlines are needed because survey experts are contemplated to be engaged by each Party, and additional time will be needed to conduct such surveys. The Parties may need to request additional extensions to the Scheduling Deadlines in the future, but the Parties believe that granting the following Proposed

New Deadlines will eliminate the need for a series of shorter requests for extensions of time in the future.

The Parties believe the deadlines prior to the Expert Disclosure deadline do not need to be extended, and the Parties request the Expert Disclosure deadline (and all subsequent deadlines) be extended four months as shown below.

	Deadlines Set By TTAB Notice	Proposed New Deadline
Time to Answer	3/26/2023	3/26/2023
Deadline for Discovery Conference	4/25/2023	4/25/2023
Discovery Opens	4/25/2023	4/25/2023
Initial Disclosures Due <sup>1</sup>	5/25/2023	5/25/2023
Expert Disclosures Due	9/22/2023	1/22/2024
Discovery Closes	10/22/2023	2/22/2024
Plaintiff's Pretrial Disclosures Due	12/6/2023	4/6/2024
Plaintiff's 30-day Trial Period Ends	1/20/2024	5/20/2024
Defendant's Pretrial Disclosures Due	2/4/2024	6/4/2024
Defendant's 30-day Trial Period Ends	3/20/2024	7/20/2024
Plaintiff's Rebuttal Disclosures Due	4/4/2024	8/4/2024
Plaintiff's 15-day Rebuttal Period Ends	5/4/2024	9/4/2024
Plaintiff's Opening Brief Due	7/3/2024	11/4/2024
Defendant's Brief Due	8/2/2024	12/2/2024
Plaintiff's Reply Brief Due	8/17/2024	12/17/2024
Request for Oral Hearing (optional) Due	8/27/2024	12/27/2024

The Parties respectfully request that the Court agree and adopt the above schedule and deadlines for this matter.

Dated: May 4, 2023

Respectfully submitted,

/D. Scott Hemingway/  
D. Scott Hemingway  
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<sup>1</sup> The Parties have agreed not to serve Initial Disclosures before May 17, 2023.

Dated: May 4, 2023

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