

ESTTA Tracking number: **ESTTA1235878**

Filing date: **09/15/2022**

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

Proceeding no.	91245732
Party	Defendant Zara Tours Adventures LLC
Correspondence address	BURTON S EHRlich LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604 UNITED STATES Primary email: chiustm@ladas.net 312-427-1300
Submission	Stipulated/Consent Motion to Extend
Filer's name	Boris Umansky
Filer's email	CHIUSTM@LADAS.NET
Signature	/Boris Umansky/
Date	09/15/2022
Attachments	Inditex v. Zara Tours - Motion to Extend all Remaining Deadlines with Consent (2022.14.09).pdf(22286 bytes )

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

Industria de Diseno Textil, S.A. (Inditex, S.A.),	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91245732
	)	
Zara Tours Adventures LLC,	)	
	)	
Applicant.	)	

**MOTION FOR A FURTHER SIXTY-DAY EXTENSION OF ALL REMAINING  
DEADLINES IN THIS PROCEEDING FOR SETTLEMENT WITH CONSENT**

Pursuant to the Board’s most recent Order dated June 23, 2022 requiring a showing of good cause in the form of a progress report for any further extension requests, Applicant states that the parties continue to actively pursue settlement, as reflected by their continued communications and settlement discussions to date. Applicant, with Opposer’s consent, requests that all remaining deadlines be extended for a further sixty (60) days to allow the parties to continue their settlement efforts. Applicant has obtained Opposer’s consent to this extension request, and provides the following progress report establishing good cause.

In its most recent consented extension request filed on June 17, 2022, Applicant reiterated the global nature of the parties’ dispute and its proposed resolution, which involves rights to the use of various trademarks and domain names, as well as trademark registrations in a number of countries. The parties have been engaged in opposition, cancellation, and other contested proceedings in various countries, and the proposed settlement of this matter would allow for conclusion of such additional proceedings. As indicated in the parties’ prior consented extension requests, various counsel for the parties are located in multiple countries, which occasionally delays the communications process.

As previously summarized, Applicant's counsel provided a settlement counterproposal to Opposer's counsel on April 19 2021, in response to Opposer's earlier settlement offer. This settlement counterproposal concerned the use and registration of certain trademarks, including those at issue in this proceeding. On July 23, 2021, Applicant received Opposer's substantive comments and responses to its global settlement counterproposal, as well as certain inquiries and requests for clarification. The undersigned counsel reported on this matter to Applicant's U.K.-based counsel, and, after receiving certain additional information from Applicant, provided Opposer's counsel with a preliminary response on September 15, 2021, including supplying Opposer's counsel with information relative to domain names at issue. On November 11, 2021, counsel for Applicant provided additional business and trademark-related documents along with relevant information to Opposer's counsel, and on November 17, 2021, Opposer's counsel requested further clarification from Applicant relative to two of the proposed settlement terms. On February 2, 2022, after conferring with Applicant's U.K.-based counsel, Applicant's counsel wrote to Opposer's counsel providing responses relative to the two subject proposed settlement terms. On April 5, 2022, Opposer's counsel responded with a further global settlement proposal concerning the use and registration of various trademarks and domain names worldwide. Applicant's undersigned counsel relayed this settlement communication to Applicant's U.K.-based counsel. On May 27, 2022, and after additional communications with U.K.-based counsel for the Applicant, the undersigned counsel provided a further settlement proposal to Opposer's counsel via e-mail, which included specific responses to Opposer's various requests and proposals as reflected in Opposer's counsel's April 5, 2022 settlement communication.

On July 21, 2022, and after the filing of the most recent consented extension request in this proceeding, Opposer's counsel provided substantive feedback to Applicant's undersigned counsel relative to the May 27<sup>th</sup> settlement communication, and undersigned counsel reported the matter to Applicant's U.K.-based counsel shortly thereafter. Applicant's undersigned counsel and its U.K.-based counsel subsequently corresponded regarding these matters on August 1, September 1, September 9, and September 12, 2022, and Applicant's counsel anticipates that he will shortly be able to provide Opposer's counsel with a substantive response to Opposer's most recent settlement communication.

As reflected in the above progress report, the parties continue to negotiate in good faith, and they remain cautiously optimistic that they can achieve an amicable resolution to the current opposition proceeding, and, more generally, to their global dispute concerning various ZARA-formative trademarks and domain names. In order to allow the parties to continue their worldwide settlement efforts, Applicant, with Opposer's consent, respectfully requests that the Board grant a further sixty (60) day extension of all remaining deadlines in this proceeding. If any additional information would be helpful, please do not hesitate to contact any of the attorneys of record in this case.

Upon the granting of this motion, the following time periods would apply:

Defendant's Pretrial Disclosures Due	November 14, 2022
Defendant's 30-day Trial Period Ends	December 29, 2022
Plaintiff's Rebuttal Disclosures Due	January 13, 2023
Plaintiff's 15-day Rebuttal Period Ends	February 12, 2023
Plaintiff's Opening Brief Due	April 13, 2023
Defendant's Brief Due	May 13, 2023
Plaintiff's Reply Brief Due	May 28, 2023
Request for Oral Hearing (optional) Due	June 7, 2023

Applicant submits that good cause exists for the requested extension, and respectfully requests that the Board grant this motion. On September 12, 2022, Applicant secured the express consent of Opposer for the extension and resetting of dates requested herein.

Respectfully submitted,

LADAS & PARRY LLP

Dated: September 15, 2022

By: /Boris Umansky/  
Burton S. Ehrlich  
Boris Umansky  
224 S. Michigan Avenue  
Suite 1600  
Chicago, IL 60604  
(312)427-1300

Attorneys for Applicant

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.