

ESTTA Tracking number: **ESTTA178653**

Filing date: **12/04/2007**

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

Proceeding.	91160944
Applicant	Plaintiff RED BULL GMBH
Other Party	Defendant Tequila Cuervo La Rojena, S.A. De C.V.

## Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 01/03/2008. RED BULL GMBH requests that such date be extended for 60 days, or until 03/03/2008, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 03/03/2008  
Thirty-day testimony period for party in position of plaintiff to close : 06/01/2008  
Thirty-day testimony period for party in position of defendant to close : 07/31/2008  
Fifteen-day rebuttal testimony period to close : 09/14/2008

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The Board has indicated no further extensions will be granted except in extraordinary circumstances, and that "failure to finalize a settlement agreement because of an impasse regarding the terms of settlement does not constitute extraordinary circumstances". The parties are pleased to report that their attorneys have reached agreement on the terms of settlement, and there is no remaining impasse. The attorneys have drafted an agreement reflecting those terms, and the agreement is being sent to the parties for final review, approval and signature. Upon signature, certain amendments will be made and the opposition will be dismissed. While this final review and signing could typically be accomplished in several weeks (since one of the parties is located in Europe and the agreement covers multiple jurisdictions), because of the upcoming Christmas and New Year Holiday season and associated absences and shutdowns, this will take a bit longer. For that reason, the parties have stipulated, subject to the Board's approval, on a further and final 60 day extension of time for Opposer to answer the counterclaim. This stipulation to extend all other dates is necessary in order to provide for the extended answer date, although the parties do not anticipate ever having to go through discovery or to take testimony*

RED BULL GMBH has secured the express consent of all other parties to this proceeding for the extension requested herein.

RED BULL GMBH has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/Martin R Greenstein/  
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12/04/2007