

ESTTA Tracking number: **ESTTA313961**

Filing date: **10/28/2009**

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

Proceeding	91169279
Party	Plaintiff United Air Lines, Inc. and UAL Loyalty Services LLC f/d/a UAL Loyalty Services, Inc.
Correspondence Address	Philip A. Jones Brinks, Hofer, Gilson & Lione P.O. Box 10395 Chicago, IL 60610 UNITED STATES pjones@brinkshofer.com, paj@brinkshofer.com
Submission	Stipulated/Consent Motion to Reopen
Filer's Name	Philip A. Jones
Filer's e-mail	officeactions@brinkshofer.com, jfrick@brinkshofer.com
Signature	/Philip A. Jones/
Date	10/28/2009
Attachments	2009-10-28 - Consented Mtn. to Reopen Discovery.pdf (4 pages)(15440 bytes)

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

UNITED AIR LINES, INC. and)	
UAL LOYALTY SERVICES LLC)	
f/d/a UAL LOYALTY SERVICES, INC.)	Opposition No. 91169279
)	
Opposers,)	Serial No. 78/477,138
v.)	
)	
SAN DIEGO COUNTY CREDIT UNION,)	
)	
Applicant.)	

CONSENTED MOTION TO REOPEN THE DISCOVERY PERIOD

United Airlines, Inc. and UAL Loyalty Services LLC. f/d/a UAL Loyalty Services, Inc. (“Opposer”) hereby moves the Board to reopen the discovery period and reset the trial dates in this proceeding. San Diego County Credit Union (“Applicant”) consents to this motion.

For the reasons set forth below, Opposer seeks to reopen discovery and extend the dates in this proceeding for 60 days. In the alternative, Opposer requests that this proceeding be suspended for 60 days to allow the parties to complete settlement, and then reset the dates, beginning with Opposer’s testimony deadline, for 60 days after resumption of the proceeding. Should the Board not grant either of Opposer’s requests, Opposer requests that its testimony period be extended 60 days.

When Applicant filed its Motion for an Extension of Discovery or Trial Periods With Consent on June 1, 2009, it inadvertently failed to extend the discovery period as agreed upon by the parties. The parties did not realize the error and continued their ongoing settlement discussions believing the discovery period was still open. In fact, Opposer recently presented Applicant with a written settlement agreement based on terms negotiated by the parties.

Because the discovery period was not extended, Opposer's testimony period opened without the parties' knowledge and is set to close on October 28, 2009. The parties discussed this matter via telephone on October 27, 2009 and agreed to file a motion to reopen the discovery period to allow the parties to continue their settlement efforts. Consequently, the parties request that the Board reopen the discovery period and reset the trial dates as set forth below:

	Current Date	Requested Date
Discovery Closes	Closed	12/27/2009
30-day Testimony Period for Plaintiff to Close	10/28/2009	2/25/2010
30 day Testimony Period for Defendant in the Opposition and Plaintiff in the Counterclaim to Close	12/27/2009	4/26/2010
30 day Testimony Period for Defendant in the Counterclaim and its Rebuttal Testimony as Plaintiff in the Opposition to Close	2/25/2010	6/25/2009
15 day Rebuttal Testimony Period for Plaintiff in the Counterclaim to Close	4/11/2010	8/9/2010
Brief for Plaintiff in the Opposition Due	6/10/2010	10/8/2010
Brief for Defendant in the Opposition and for Plaintiff in the Counterclaim Due	7/10/2010	11/7/2010
Brief for Defendant in the Counterclaim and its Reply Brief as Plaintiff in the Opposition Due	8/9/2010	12/7/2010
Reply Brief (if any) for Plaintiff in the Counterclaim Due	8/24/2010	12/22/2009

In the event that the Board decides not to reopen the discovery period, the parties request that this proceeding be suspended until December 27, 2009 to allow the parties to continue their settlement efforts. Should the parties not complete settlement in that time, Opposer requests that the Board reset Opposer's testimony period for 60 days after resumption of the proceedings.

In the alternative, Opposer requests the Board to extend Opposer's testimony period for 60 days up to and including November 27, 2009.

Respectfully submitted,

Date: October 28, 2009

By: /s/Philip A. Jones

Philip A. Jones
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **CONSENTED MOTION TO REOPEN THE DISCOVERY PERIOD** was served on opposing counsel via e-mail on this 28th day of October, 2009 addressed as follows:

mbrook@luce.com
elane@luce.com

/s/Philip A. Jones