

ESTTA Tracking number: **ESTTA549550**

Filing date: **07/19/2013**

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

Proceeding.	91192911
Applicant	Defendant Joel Astman dba Truelements Music
Other Party	Plaintiff The Basketball Marketing Company, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

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

The Defendant's Time to Answer is currently set to close on 07/26/2013. Joel Astman dba Truelements Music requests that such date be extended for 60 days, or until 09/24/2013, and that all subsequent dates be reset accordingly.

Time to Answer :	09/24/2013
Deadline for Discovery Conference :	10/24/2013
Discovery Opens :	10/24/2013
Initial Disclosures Due :	11/23/2013
Expert Disclosure Due :	03/23/2014
Discovery Closes :	04/22/2014
Plaintiff's Pretrial Disclosures :	06/06/2014
Plaintiff's 30-day Trial Period Ends :	07/21/2014
Defendant's Pretrial Disclosures :	08/05/2014
Defendant's 30-day Trial Period Ends :	09/19/2014
Plaintiff's Rebuttal Disclosures :	10/04/2014
Plaintiff's 15-day Rebuttal Period Ends :	11/03/2014

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *In response to the Board's Order mailed on May 22, 2013, the parties report that they have negotiated proposed terms of settlement and have prepared and circulated a draft settlement agreement for review and approval by the parties. As any settlement will involve issues beyond those raised in this opposition proceeding, including international rights, the parties need additional time to finalize the agreement. To that end, the parties respectfully request an extension of sixty (60) days for Applicant to respond to the Notice of Opposition. The requested extension should provide the parties the needed time to finalize the terms of settlement and to have an agreement executed. The parties have not yet conducted discovery and/or held a discovery conference as Applicant has not served his Answer yet and issue has not been joined. Moreover, the parties have been focusing their time, effort and attention to resolving this matter amicably in the hopes of averting costly and disruptive litigation. Favorable consideration is requested of*

the parties' application for a sixty (60) day extension.

Joel Astman dba Truelements Music has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Joel Astman dba Truelements Music 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,

/thomas h. curtin/

Thomas H. Curtin

tcurtin@lathropgage.com

Jonathan.Hyman@knobbe.com, Susan.Murphy@knobbe.com, BMC.039M.kmob@iwcs.kmob.com

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