

ESTTA Tracking number: **ESTTA408277**

Filing date: **05/10/2011**

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

Proceeding	91195136
Party	Plaintiff University of Kentucky
Correspondence Address	MICHAEL S HARGIS KING & SCHICKLI, PLLC 247 N BROADWAY LEXINGTON, KY 40507-1058 UNITED STATES michael@iplaw1.net, elise@iplaw1.net
Submission	Stipulated/Consent Motion to Reopen
Filer's Name	Michael S. Hargis
Filer's e-mail	michael@iplaw1.net, powell@namanhowell.com
Signature	/Michael S. Hargis/
Date	05/10/2011
Attachments	Motion to Reopen and Extend.pdf ( 4 pages )(2220365 bytes )

In the Matter of Registration Application Serial No. 77/787,590  
Filed July 23, 2009  
For the mark BIG RED VS. BIG BLUE  
Published in the *Official Gazette* on February 2, 2010

UNIVERSITY OF KENTUCKY,	:	
	:	
Opposer,	:	
v.	:	<b>OPPOSITION NO. 91195136</b>
	:	
North American Beverages, LLC,	:	
	:	
Applicant.	:	

**OPPOSER’S CONSENTED MOTION TO REOPEN DISCOVERY AND TRIAL PERIODS**

Pursuant to Fed. R. Civ. P. 6(b), Opposer University of Kentucky (“Opposer”) *with Applicant’s oral consent*, hereby moves to reopen the Expert Disclosure Period and the Discovery Period which ended May 9, 2011. The parties are engaged in ongoing settlement discussions and filed a consented motion to consolidate the above-captioned proceeding and Cancellation No. 92053354 on February 3, 2011. To date, the motion to consolidate has not been acted upon by the Trademark Trial and Appeal Board. The parties are requesting that the Expert Disclosure Date be reopened and set to close 07/11/2011, the Discovery Period be reopened and set to close on 08/10/2011, and that all subsequent dates be reset as shown below. This timeline conveniently coincides with the periods established in the co-pending Cancellation no. 92053354 noted above.

Accordingly, the new trial periods would be as follows:

Time to Answer :	Closed
Deadline for Discovery Conference :	Closed
Discovery Opens :	Closed
Initial Disclosures Due :	Closed
Expert Disclosure Due :	07/11/2011
Discovery Closes :	08/10/2011
Plaintiff's Pretrial Disclosures :	09/24/2011
Plaintiff's 30-day Trial Period Ends :	11/08/2011
Defendant's Pretrial Disclosures :	11/23/2011
Defendant's 30-day Trial Period Ends :	01/07/2012
Plaintiff's Rebuttal Disclosures :	01/22/2012
Plaintiff's 15-day Rebuttal Period Ends :	02/21/2012

University of Kentucky has secured the express consent of all other parties to this proceeding for reopening the expert disclosure and discovery dates, and extending and resetting of dates as requested herein. Opposer respectfully requests that the motion be approved and the requested periods be reopened and extended.

No fees are believed due. Please apply any charges or credits to Deposit Account  
11-0978.

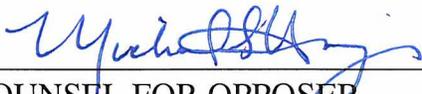
Dated: May 10, 2011

Respectfully submitted,  
By:   
Michael S. Hargis  
Trevor T. Graves  
KING & SCHICKLI, PLLC  
247 North Broadway  
Lexington, KY 40507-1058  
Telephone: (859) 252-0889  
Facsimile: (859) 252-0779  
COUNSEL FOR OPPOSER  
UNIVERSITY OF KENTUCKY

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 10th day of May, 2011, a true and correct copy of the foregoing was served via U.S. Mail, First Class, postage prepaid and via electronic mail on:

John A. "Andy" Powell  
Naman, Howell, Smith & Lee, PLLC  
P.O. Box 1470  
Waco, Texas 76703-1470  
(254) 755-4100  
COUNSEL FOR APPLICANT  
NORTH AMERICAN BEVERAGES, LLC

  
\_\_\_\_\_  
COUNSEL FOR OPPOSER  
UNIVERSITY OF KENTUCKY