

ESTTA Tracking number: **ESTTA545839**

Filing date: **06/28/2013**

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

Proceeding	91197014
Party	Plaintiff Nantahala Outdoor Center, Inc., Smoky Mountain Outdoors Unlimited, Inc.
Correspondence Address	JACOB G HORTON PITTS LAKE PC P O Box 51295 KNOXVILLE, TN 37950 1295 UNITED STATES jhorton@pl-iplaw.com, pforsyth@pl-iplaw.com, kself@pl-iplaw.com, lcoates@pl-iplaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Jacob G. Horton
Filer's e-mail	jhorton@pl-iplaw.com, nsoon@pl-iplaw.com, lcoates@pl-iplaw.com
Signature	/Jacob G. Horton/
Date	06/28/2013
Attachments	00302734.PDF(64319 bytes )

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

In the Matter of Application Serial No. 85/019,492  
Mark: RAFTING IN THE SMOKIES  
Published in the *Official Gazette* on September 21, 2010

NANTAHALA OUTDOOR CENTER, INC.,	)	
and	)	
SMOKY MOUNTAIN OUTDOORS	)	
UNLIMITED, INC.,	)	
	)	
Opposers,	)	
	)	
v.	)	Opposition No.91/197,014
	)	
RITS, LLC,	)	
	)	
Applicant.	)	
	)	

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P. O. Box 1451  
Alexandria, VA 22313-1451

**OPPOSERS' CONSENT MOTION TO EXTEND DISCOVERY AND TRIAL DATES**

On May 31, 2013, Opposers/Plaintiffs, Nantahala Outdoor Center, Inc. and Smoky Mountain Outdoors Unlimited, Inc., with the consent of Applicant/Defendant RITS, LLC, filed Opposers' Consent Motion to Extend Discovery and Trial Dates, requesting that the dates in this proceeding be extended for two (2) weeks, in order to allow the parties additional time to conduct further settlement negotiations in this proceeding. On June 14, 2013, Opposers filed a second Consent Motion to Extend Discovery and Trial Dates, with the consent of Applicant, in order to allow the parties additional time, beyond that requested in Opposers' May 31, 2013 Consent Motion, to conduct further settlement negotiations in this proceeding. Opposers' May 31, 2013 Consent Motion and June 14, 2013 Consent Motion have not yet been ruled on by the

TTAB. However, since the May 31, 2013 Consent Motion was filed, the parties have continued to engage in active settlement negotiations in this matter, and as of today, June 28, 2013, the Opposers have received confirmation from Applicant's counsel that a settlement agreement in principle has been reached. However, additional time is needed to memorialize such settlement in a written settlement agreement signed by the parties.

In light of the above, Opposers/Plaintiffs, Nantahala Outdoor Center, Inc. and Smoky Mountain Outdoors Unlimited, Inc., by and through their counsels of record, and with the consent of Applicant/Defendant RITS, LLC, hereby request that the Trademark Trial and Appeal Board extend the discovery and trial dates in this proceeding for a further two (2) weeks, up to and including the dates set forth below, in order to allow the parties additional time to continue settlement negotiations in this proceeding.

Action	Deadline requested in Consent Motion of 6/14/2013	Extended Deadline
Expert Disclosures Due	6/28/2013	7/12/2013
Discovery Period to Close	7/28/2013	8/11/2013
Plaintiff's Pretrial Disclosures Due	9/11/2013	9/25/2013
Plaintiff's 30-Day Trial Period Ends	10/26/2013	11/9/2013
Defendant's Pretrial Disclosures Due	11/10/2013	11/24/2013
Defendant's 30-Day Trial Period Ends	12/25/2013	1/8/2014
Plaintiff's Rebuttal Disclosures Due	1/9/2014	1/23/2014
Plaintiff's 15-Day Rebuttal Period Ends	2/8/2014	2/22/2014

The parties require the additional time sought in order to memorialize settlement of this matter in a written settlement agreement signed by the parties. This Motion is not made for

purposes of delay. Therefore, Opposers/Plaintiffs respectfully request that the Board grant the requested extensions of time.

Dated: 6/28/2013

Respectfully submitted,

PITTS & LAKE, P.C.



---

Robert E. Pitts  
Melinda L. Doss  
Jacob G. Horton  
Paul A. Forsyth  
P. O. Box 51295  
Knoxville, TN 37950-1295  
Tele: (865) 584-0105  
Fax: (865) 584-0104  
E-Mails: [docketing@pl-iplaw.com](mailto:docketing@pl-iplaw.com)  
[rpitts@pl-iplaw.com](mailto:rpitts@pl-iplaw.com)  
[mdoss@pl-iplaw.com](mailto:mdoss@pl-iplaw.com)  
[jhorton@pl-iplaw.com](mailto:jhorton@pl-iplaw.com)  
[pforsyth@pl-iplaw.com](mailto:pforsyth@pl-iplaw.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 28, 2013, a copy of the foregoing was served electronically on counsel of record by e-mailing a copy thereof to counsel of record at the e-mail address indicated below.

Michael E. Robinson  
Luedeka Neely Group, P.C.  
P.O. Box 1871  
Knoxville, TN 37901  
rrobinson@luedeka.com



---

Jacob G. Horton