

ESTTA Tracking number: **ESTTA576272**

Filing date: **12/12/2013**

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

Proceeding.	91199169
Applicant	Plaintiff Boston Red Sox Baseball Club Limited Partnership
Other Party	Defendant Rensselaer Polytechnic Institute
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

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

The Close of Discovery is currently set to close on 12/22/2013. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 90 days, or until 03/22/2014, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	02/20/2014
Discovery Closes :	03/22/2014
Plaintiff's Pretrial Disclosures :	05/06/2014
Plaintiff's 30-day Trial Period Ends :	06/20/2014
Defendant's Pretrial Disclosures :	07/05/2014
Defendant's 30-day Trial Period Ends :	08/19/2014
Plaintiff's Rebuttal Disclosures :	09/03/2014
Plaintiff's 15-day Rebuttal Period Ends :	10/03/2014

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Progress has been made towards a resolution of this matter. Since the institution of the proceedings the parties have had verbal and written settlement negotiations, as well as prepared multiple revisions to a draft settlement agreement and exchanged a more updated version of a draft settlement agreement. Specifically, since the parties last sought an extension, on August 8, 2013, Opposer#s outside counsel and in-house counsel have conferred regarding this matter and the draft agreement, including on August 27th, October 5th, October 8th, October 25th, November 7th, November 12th, December 3rd, December 11th, and December 12th. Additionally, Applicant#s counsel and Opposer#s outside counsel conferred regarding the matter on August 8th, November 18th, November 19th, and November 26th. During this*

time, Opposer and its in-house counsel engaged in internal discussions to address the objectives of its client and the scope of the agreement. The agreement was also reviewed by several related entities of Opposer. As a result, the initial draft agreement went through various revisions. On December 12, 2013, the most updated revised draft agreement was sent to Opposer's outside counsel, who reviewed and forwarded the agreement to Applicant's counsel for consideration. The additional time is requested to allow Applicant's counsel to discuss the proposed terms with Applicant, for Applicant to respond to Opposer's proposed terms and draft agreement, the parties' respective counsel to further negotiate the framework of settlement and for the parties to commit to their agreed-upon terms in the draft agreement which, when finalized, would allow them to resolve this matter without the need to proceed with the Opposition. The parties note that they are jointly committed to reaching an amicable resolution and have made progress. The parties strongly believe they will timely resolve any remaining issues. Additionally, the parties note that they are engaged in the discovery process. Applicant served its written requests on Opposer. Due to the massive amount of materials that will need to be gathered covering an extensive period of time, Opposer needs additional time to respond to discovery, as well as to complete discovery. The parties have agreed that Opposer's deadline to respond to discovery will be extended until to March 3, 2014. The parties therefore request the extension in order to allow time to complete the discovery process and to work towards settlement of this matter.

Boston Red Sox Baseball Club Limited Partnership has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Boston Red Sox Baseball Club Limited Partnership 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 First Class Mail on this date.

Respectfully submitted,

/Aryn M. Emert/

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