

ESTTA Tracking number: **ESTTA605012**

Filing date: **05/19/2014**

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 06/20/2014. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 90 days, or until 09/18/2014, 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 :	08/19/2014
Discovery Closes :	09/18/2014
Plaintiff's Pretrial Disclosures :	11/02/2014
Plaintiff's 30-day Trial Period Ends :	12/17/2014
Defendant's Pretrial Disclosures :	01/01/2015
Defendant's 30-day Trial Period Ends :	02/15/2015
Plaintiff's Rebuttal Disclosures :	03/02/2015
Plaintiff's 15-day Rebuttal Period Ends :	04/01/2015

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 drafts of the settlement agreement. Specifically, since the parties last sought an extension, Opposer's in-house counsel reviewed Applicant's extensive proposed changes to the agreement, and have engaged in internal discussions to address the objectives of its client and the scope of the agreement. Additionally, Opposer's in-house counsel and Opposer's outside counsel conferred regarding the matter on February 19th, April 25th, May 13th and May 19th. The additional time is requested for Opposer's in-house counsel to continue its review of the revised agreement, and for the parties to work towards settlement of this matter. Additionally, since the last extension, Opposer's in-*

house counsel who was handling this matter left Opposer, and the successor had to learn the entirety of this complex matter. Accordingly, the additional time is also requested to accommodate the transition of this matter. The parties note that they are jointly committed to reaching an amicable resolution and have made progress. The parties 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 therefore request the extension in order to allow time to complete the discovery process and to work towards settlement.

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/

Aryn M. Emert

ame@cfl.com, jmn@cfl.com, trademark@cfl.com

wnolan@woh.com, cgardner@woh.com, jkroll@woh.com

05/19/2014