

ESTTA Tracking number: **ESTTA656289**

Filing date: **02/17/2015**

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 03/17/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 90 days, or until 06/15/2015, 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 :	05/16/2015
Discovery Closes :	06/15/2015
Plaintiff's Pretrial Disclosures :	07/30/2015
Plaintiff's 30-day Trial Period Ends :	09/13/2015
Defendant's Pretrial Disclosures :	09/28/2015
Defendant's 30-day Trial Period Ends :	11/12/2015
Plaintiff's Rebuttal Disclosures :	11/27/2015
Plaintiff's 15-day Rebuttal Period Ends :	12/27/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Significant progress has been made towards settlement of this matter. Since the institution of the proceedings, the parties have had verbal and written settlement negotiations, as well as prepared and exchanged multiple drafts of a settlement agreement. Specifically, since the parties last sought an extension, Opposer's counsel and Applicant's counsel held a settlement conference regarding the terms in the latest version of the agreement. Thereafter, Applicant's counsel reviewed the agreement, and sent specific comments concerning the agreement to Opposer's counsel for consideration. Opposer's counsel reviewed the comments, and conferred with Applicant's counsel regarding such comments. Additionally, Opposer's counsel requested additional information regarding the Applicant's business from Applicant's counsel so the parties can resolve specific issues in the agreement. The additional time is requested to al-*

low Applicant's counsel to send Opposer the additional information requested, and for the parties to continue to work towards settlement of this matter. The parties note that the open issues relate to the scope of the agreement, and use and registration provisions concerning the parties' respective marks. The parties strongly believe they will timely resolve this matter. If an agreement is accepted, there will be no need to proceed with the Opposition. Additionally, the parties note that they are engaged in the discovery process. Applicant served its written requests on Opposer. 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. Additionally, the parties request that the proceedings be suspended pending disposition of this motion.

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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