

ESTTA Tracking number: **ESTTA605619**

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

Proceeding.	91200834
Applicant	Plaintiff Chicago Cubs Baseball Club, LLC
Other Party	Defendant United Services Automobile Association (USAA)
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 Plaintiff's Trial Period is currently set to close on 07/29/2014. Chicago Cubs Baseball Club, LLC requests that such date be extended for 30 days, or until 08/28/2014, 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 :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	07/14/2014
Plaintiff's 30-day Trial Period Ends :	08/28/2014
Defendant's Pretrial Disclosures :	09/12/2014
Defendant's 30-day Trial Period Ends :	10/27/2014
Plaintiff's Rebuttal Disclosures :	11/11/2014
Plaintiff's 15-day Rebuttal Period Ends :	12/11/2014

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *The parties respectfully request an extension of all deadlines for a period of 30 days, including Plaintiff's (Opposer's) Pretrial Disclosures, which are currently due June 14, 2014. Significant progress has been made toward a resolution of this matter. Since the last suspension, Opposer's in-house counsel reviewed the revised draft settlement agreement and provided Opposer's outside counsel with further comments to the revised draft settlement agreement. Opposer's outside counsel further revised the draft settlement agreement and forwarded same to Applicant's outside counsel on April 25, 2014. Applicant's outside counsel forwarded the newly revised draft settlement agreement to Applicant for review. Applicant reviewed the newly revised draft settlement agreement and forwarded its comments to the draft settlement agreement to Opposer's outside counsel on May 1, 2014. That same day, Opposer's outside counsel*

*forwarded the revised draft agreement to Opposer's in-house for review. The parties have agreed to the terms of the newly revised draft settlement agreement. On May 2, 2014, Opposer's outside counsel forwarded to Applicant's outside counsel the finalized settlement agreement for execution by Applicant. Applicant's outside counsel returned the executed agreement to Opposer's outside counsel for Opposer's execution. Upon further review, a typographical error was discovered in one of the accompanying Exhibits to the agreement. On May 21, 2014, outside counsel for both parties resolved the issue. The additional time is requested to permit completion of execution of the final agreement. Additionally, the agreement contemplates an amendment which will need to be filed in the TTAB. Once the finalized settlement agreement is fully executed by the parties and the amendment is approved, the matter would be concluded and there would be no further need to proceed with the opposition.*

Chicago Cubs Baseball Club, LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Chicago Cubs Baseball Club, LLC 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,

/Don M. Obert/

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