

ESTTA Tracking number: **ESTTA497094**

Filing date: **09/27/2012**

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

|                           |                                                                                                           |
|---------------------------|-----------------------------------------------------------------------------------------------------------|
| Proceeding                | 91202586                                                                                                  |
| Party                     | Defendant<br>Andrew Smith                                                                                 |
| Correspondence<br>Address | ANDREW SMITH<br>580 BEACH DRIVE<br>VICTORIA, BC V8S 2M5<br>CANADA<br>autrade@gmail.com, hcgoh28@gmail.com |
| Submission                | Stipulated/Consent Motion to Extend                                                                       |
| Filer's Name              | Andrew Smith                                                                                              |
| Filer's e-mail            | autrade@gmail.com                                                                                         |
| Signature                 | /andrew smith/                                                                                            |
| Date                      | 09/27/2012                                                                                                |
| Attachments               | Motion for an Extension of Discovery - 91202586.pdf ( 1 page )(92740 bytes )                              |

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|             |                                |
|-------------|--------------------------------|
| Proceeding  | 91202586                       |
| Applicant   | Defendant<br>Andrew Smith      |
| Other Party | Plaintiff<br>MapMyFitness, LLC |

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

The Close of Discovery is currently set to close on 11/23/2012. Andrew Smith requests that such date be extended for 90 days, or until 2/23/2013, 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 :                   | 01/24/2013 |
| Discovery Closes :                        | 2/23/2013  |
| Plaintiff's Pretrial Disclosures :        | 04/07/2013 |
| Plaintiff's 30-day Trial Period Ends :    | 05/21/2013 |
| Defendant's Pretrial Disclosures :        | 06/08/2013 |
| Defendant's 30-day Trial Period Ends :    | 07/22/2013 |
| Plaintiff's Rebuttal Disclosures :        | 08/07/2013 |
| Plaintiff's 15-day Rebuttal Period Ends : | 09/06/2013 |

The grounds for this request are as follows:  
- *Parties are engaged in settlement discussions*

Andrew Smith has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Andrew Smith 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 Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/andrew smith/  
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09/28/2012