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

Proceeding	91202705
Party	Plaintiff CR License, LLC
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Date	11/14/2013
Attachments	Stip ACR and Reopen Disc GCR Canc.pdf(17439 bytes)

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

CR License, LLC,)	Cancellation No. 91202705 (parent)
)	92054034
)	
Petitioner,)	
)	Marks: GRAND CANYON RANCH
v.)	GRAND CANYON RANCH
)	AT SPIRIT MOUNTAIN
)	
Grand Canyon Ranch,)	Reg. No. 3,927,500
)	App. No. 77/905,088
)	
Respondent.)	
)	

**STIPULATION TO PARTICIPATE IN ACR
AND JOINT MOTION TO REOPEN DISCOVERY**

Petitioner CR License LLC (“CR License”) and Respondent Grand Canyon Ranch (“GCR”) hereby stipulate and agree, subject to the approval of the Trademark Trial and Appeal Board, to participate in the Board’s Accelerated Case Resolution (ACR) program. To facilitate their participation in ACR, the parties also move to reopen discovery for limited purposes described herein. :

1. Discovery. Per the Board’s September 21, 2012 Order granting the Motion on Consent to Extend the Current Discovery and Testimony Period, discovery closed on October 7, 2013. In order to facilitate the submission of this case using ACR, the parties move to re-open discovery to allow them to complete the following steps:
 - a. The parties agree that there shall be one final document disclosure on January 10, 2014.
 - b. Petitioner will serve Affidavits from Petitioner’s witnesses that it intends to use in ACR on or before: January 31, 2014
 - c. Respondent will serve Affidavits from Respondent’s witnesses that it intends to use in ACR on or before: February 28, 2014
 - d. Deadline for cross examination of witnesses by deposition if necessary: March 31, 2014

2. The Parties hereby stipulate to utilize a cross-motion for summary judgment format and that the Board will be able to resolve any genuine disputes of material fact that are presented by the record or which may be discovered by a panel of judges working on a final decision for this case.
3. The time for submission of the ACR brief and evidence shall be as follows:
 - a. Deadline for submission of Petitioner's ACR brief and evidence: April 18, 2014
 - b. Deadline for submission of Respondent's ACR brief and evidence (Cross-Motion for Summary Judgment format): May 19, 2014
 - c. Deadline for Petitioner's ACR rebuttal brief and evidence: June 6, 2014
 - d. Deadline for Respondent's ACR rebuttal brief and evidence: June 24, 2014
4. The Board will issue a decision on the merits within fifty days following completion of summary judgment briefing, and such decision is judicially reviewable as set forth in 37 C.F.R. § 2.145.
5. The parties agree that the affidavits and exhibits before the Board for purposes of the pending motion and cross-motion for summary judgment shall be the testimony and evidence of the parties for purposes of final hearing; that the briefs in support of and in opposition to the pending motion and cross-motion for summary judgment shall be deemed to be the briefs at final hearing pursuant to Trademark Rule 2.128 and that all office records, matters of public record, discovery deposition excerpts and the like incorporated in or annexed as exhibits to the briefs or affidavits shall be deemed to have been properly filed pursuant to notice of reliance pursuant to Trademark Rule 2.122(e).
6. The parties reserve the right to object to the admissibility of evidence offered by declaration, affidavit and/or deposition on any grounds available under the Federal Rules of Evidence and/or Federal Rules of Civil Procedure. Such objections will be stated in the parties' respective ACR briefs and may be resolved by the Board in connection with its decision on the merits.
7. The parties stipulate that expert discovery will not be provided in this proceeding, nor, given the format for final summary judgment briefing, will pretrial disclosures be required.
8. The parties will produce discovery documents either in hardcopy or electronic form (*e.g.*, via e-mail or CD), subject to the Protective Order governing discovery in this action, and will not simply make documents available for inspection.
9. For purposes of this proceeding, the parties may forward to each other service copies of documents via e-mail and/or facsimile.
10. The Parties stipulate and hereby waive the right to oral argument.

11. The Parties stipulate to resolution of motions by telephone conference with Board attorney.
12. The Parties stipulate to the entry of the Board's Standardized Protective Order for information requested and disclosed throughout these proceedings. (See Attachment A).
13. The parties state that this Stipulation is based on the present intent of the parties. In the event that circumstances surrounding this proceeding change, or it becomes impractical to continue under the Board's ACR program, the parties reserve the right to request modification of the schedule and conditions proposed above.

DATED this 14th day of November, 2013. LEWIS ROCA ROTHGERBER LLP

By: /s/Cindy Villanueva
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Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Participate in ACR was served by First-Class Mail® upon the following:

Thomas I. Rozsa
Rozsa Law Group LLC
18757 Burbank Blvd, Suite 220
Tarzana, CA 91356

Copy sent this 14th day of November, 2013.

By: /s/Karen Wildman
Karen Wildman, a Lewis and Roca Employee