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

Proceeding	91206176
Party	Plaintiff Societe des Produits Nestle S.A.
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Submission	Stipulated/Consent Motion to Extend
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Date	11/22/2013
Attachments	SKINNYGIRL Stip for Extension 11_22 second action 91206176.pdf(10298 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SOCIÉTÉ DES PRODUITS NESTLÉ S.A.

Opposer/Petitioner,

v.

BB ENDEAVORS LLC,

Applicant/Respondent.

Opposition No. 91206176

MOTION FOR EXTENSION OF DISCOVERY PERIOD WITH CONSENT

Pursuant to 37 CFR § 2.120(a)(2), 37 CFR § 2.121(a) and TBMP § 403.04, Opposer Société des Produits Nestlé (“Opposer”) moves the Board to extend the discovery periods and for resetting of the testimony periods on the ground that the Parties are continuing to negotiate an amicable resolution to this matter. Opposer has secured Applicant’s consent for the extension and resetting of dates requested herein.

The deadlines as per the Board’s October 25, 2013 Order are:

Expert Disclosures Due:	11/24/2013
Discovery Closes:	12/24/2013
Plaintiff’s Pretrial Disclosures:	2/9/2014
Plaintiff’s 30-day Trial Period Ends:	3/28/2014
Defendant’s Pretrial Disclosures:	4/11/2014
Defendant’s 30-day Trial Period Ends:	5/20/2014
Plaintiff’s Rebuttal Disclosures:	6/6/2014
Plaintiff’s 15-day Rebuttal Period Ends:	7/10/2014

The Parties have conducted the requisite discovery conference, and have exchanged initial disclosures and proposals in an effort to reach a settlement. Settlement negotiations are ongoing. Pursuant to the Board’s request for a detailed account of the parties’ progress toward

settlement, as stated in its October 25 Order, the parties stipulate that they have engaged in in-depth negotiations involving several draft term sheets and many settlement conferences since April 2012, and within the past month the parties have reached a near-final draft coexistence agreement which they expect to execute shortly. The Parties request an extension of the trial deadlines to enable them to finalize this agreement which is the product of many months of negotiation. Accordingly, the Parties request that the Board reset the deadlines as follows:

Expert Disclosures Due:	1/24/2014
Discovery Closes:	2/24/2014
Plaintiff's Pretrial Disclosures:	4/9/2014
Plaintiff's 30-day Trial Period Ends:	5/28/2014
Defendant's Pretrial Disclosures:	6/11/2014
Defendant's 30-day Trial Period Ends:	7/20/2014
Plaintiff's Rebuttal Disclosures:	8/6/2014
Plaintiff's 15-day Rebuttal Period Ends:	9/10/2014

Dated: this 22nd day of November, 2013.

MAYER BROWN LLP

By: /s/ A. John P. Mancini

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CERTIFICATE OF SERVICE

I, A. John P. Mancini, hereby certify that on November 22, 2013, I caused a true and correct copy of the foregoing document entitled MOTION FOR EXTENSION OF DISCOVERY PERIOD WITH CONSENT to be served upon BB Endeavors by electronic mail, per agreement of the parties, to Robert W. Sacoff (rws@pattishall.com), Pattishall McAuliffe Newbury Hilliard & Geraldson LLP, 200 South Wacker Drive, Suite 5290, Chicago, Illinois 60606.

/s/ A. John P. Mancini
A. John P. Mancini