

ESTTA Tracking number: **ESTTA511760**

Filing date: **12/19/2012**

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.
Correspondence Address	A JOHN P MANCINI MAYER BROWN LLP 1675 BROADWAY NEW YORK, NY 10019 UNITED STATES IPDocket@mayerbrown.com, jlwhite@mayerbrown.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Jason L. White
Filer's e-mail	jlwhite@mayerbrown.com
Signature	/Jason L. White/
Date	12/19/2012
Attachments	Skinnygirl_ Second Motion on Consent for Extension _Second Action_ _704200265_1_.pdf (3 pages)(59025 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 in the process of negotiating 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 July 20, 2012 Order are:

Deadline for Discovery Conference	9/28/2012
Discovery Opens	9/28/2012
Initial Disclosures Due	10/28/2012
Expert Disclosures Due:	2/25/2013
Discovery Closes:	3/27/2013
Plaintiff’s Pretrial Disclosures:	5/11/2013
Plaintiff’s 30-day Trial Period Ends:	6/25/2013
Defendant’s Pretrial Disclosures:	7/10/2013
Defendant’s 30-day Trial Period Ends:	8/24/2013
Plaintiff’s Rebuttal Disclosures:	9/8/2013
Plaintiff’s 15-day Rebuttal Period Ends:	10/8/2013

The parties have conducted the requisite discovery conference, and have exchanged

proposals in an effort to reach a settlement. Settlement negotiations are ongoing. The parties request an extension of this proceeding to enable them to continue to pursue settlement and to avoid needless discovery expense. Accordingly, the Parties request that the Board reset the deadlines as follows:

Initial Disclosures Due	2/8/2013
Expert Disclosures Due:	4/24/2013
Discovery Closes:	5/24/2013
Plaintiff's Pretrial Disclosures:	7/9/2013
Plaintiff's 30-day Trial Period Ends:	8/27/2013
Defendant's Pretrial Disclosures:	9/10/2013
Defendant's 30-day Trial Period Ends:	10/23/2013
Plaintiff's Rebuttal Disclosures:	11/7/2013
Plaintiff's 15-day Rebuttal Period Ends:	12/9/2013

Dated: this 19th day of December, 2012.

MAYER BROWN LLP

By: /s/ A. John P. Mancini
A. John P. Mancini
1675 Broadway
New York, NY 10019
Tel: 212-506-2295
Fax: 212-849-5895

Attorneys for Société des Produits Nestlé S.A.

CERTIFICATE OF SERVICE

I, A. John P. Mancini, hereby certify that on December 19, 2012, I caused a true and accurate copy of the foregoing document entitled MOTION FOR EXTENSION OF DISCOVERY PERIOD WITH CONSENT to be served upon BB Endeavors by electronic mail and by first-class United States mail, postage prepaid, addressed to the following:

Robert W. Sacoff
Pattishall McAuliffe Newbury Hilliard & Geraldson LLP
311 South Wacker Drive, Suite 500
Chicago, Illinois 60606

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