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Filing date: **04/01/2014**

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

Proceeding	91206194
Party	Defendant Message Systems, Inc.
Correspondence Address	KIMBERLY S GRIMSLEY OLIVER & GRIMSLEY LLC 100 WEST ROAD, SUITE 300 TOWSON, MD 21204 UNITED STATES kim@olivergrimsley.com, pamela@olivergrimsley.com, tina@olivergrimsley.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Kimberly S. Grimsley
Filer's e-mail	kim@olivergrimsley.com
Signature	/Kimberly S. Grimsley/
Date	04/01/2014
Attachments	Motion to Extend Time with Consent and Status Report, Opp. No. 91206194.pdf(332950 bytes )

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

CGI Federal, Inc.	X	
	:	Opposition No. 91206194
Opposer,	:	Application No. 77718258
vs.	:	Mark: MOMENTUM
Message Systems, Inc.,	:	
Applicant.	:	
	X	

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION TO EXTEND TIME WITH CONSENT FOR  
DISCLOSURES, DISCOVERY AND TESTIMONY WITH REPORT ON STATUS OF  
NEGOTIATIONS**

Applicant, Message Systems, Inc., by its attorneys, hereby moves this Honorable Board to extend the dates for initial disclosures, extend the discovery period and testimony for 90 days in the above-captioned proceeding as follows, and in support states as follows:

1. On September 26, 2013, this court granted Opposer's consented motion (filed August 26, 2013) to extend disclosure, discovery and trial dates. At that time this Honorable Board indicated that in the event the parties seek further extensions of time or suspension to facilitate settlement discussions, the parties must support a request with a detailed report on the progress of their settlement negotiations to establish good cause.
2. At the time of Applicant's Motion of August 2013, the discovery and trial deadlines were as follows:

Initial Disclosures Due	12/25/2013
Expert Disclosures Due	4/24/2014
Discovery Closes	5/24/2014

<b>Plaintiff's Pretrial Disclosures</b>	<b>7/08/2014</b>
<b>Plaintiff's 30-day Trial Period Ends</b>	<b>8/22/2014</b>
<b>Defendant's Pretrial Disclosures</b>	<b>9/06/2014</b>
<b>Defendant's 30-day Trial Period Ends</b>	<b>10/21/2014</b>
<b>Plaintiff's Rebuttal Disclosures</b>	<b>11/05/2014</b>
<b>Plaintiff's 15-day Rebuttal Period Ends</b>	<b>12/05/2014.</b>

3. Since the Court's granted the extension, the parties have continued to negotiate a resolution and have gone through at least three versions of the settlement agreement. During this time, there has also been a change in counsel for Opposer in this proceeding, Robert W. Zelnick of McDermott Will & Emery, LLP. In light of the negotiations, the parties internally agreed to extensions to provide each other initial disclosures in 30 day increments while negotiating with the last date agreed upon for disclosures of April 25, 2014.

4. The last version was sent on February 19, 2014 by Applicant to Opposer. The parties are nearing a resolution in which both can coexist with a use and registration of their respective marks. The parties have continuously exchanged draft proposals concerning ways to distinguish goods and services and whether there would be any limitations/restrictions in use of the respective mark with additional words. The parties anticipate resolving the matter shortly, but in the event settlement discussions fall through, they each wish to preserve rights to proceed in case and conduct discovery.

Thus, this motion is submitted in good faith with the consent of Opposer, and without any intent to cause delay or prejudice, but to allow the parties an opportunity to finalize settlement of this proceeding. Applicant therefore requests that this Honorable Board reopen and reset the initial disclosures date to April 25, 2014 as the parties have internally agreed, and that the discovery and trial deadlines be extended by ninety (90) days for good cause shown herein; thus having new dates as follows:

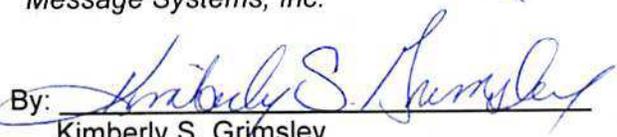
<b>Initial Disclosures Due</b>	<b>4/25/2014</b>
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Expert Disclosures Due	7/24/2014
Discovery Closes	8/24/2014
Plaintiff's Pretrial Disclosures	10/08/2014
Plaintiff's 30-day Trial Period Ends	11/22/2014
Defendant's Pretrial Disclosures	12/06/2014
Defendant's 30-day Trial Period Ends	1/21/2015
Plaintiff's Rebuttal Disclosures	2/05/2015
Plaintiff's 15-day Rebuttal Period Ends	3/05/2015.

Dated: April 1, 2014

Respectfully submitted,

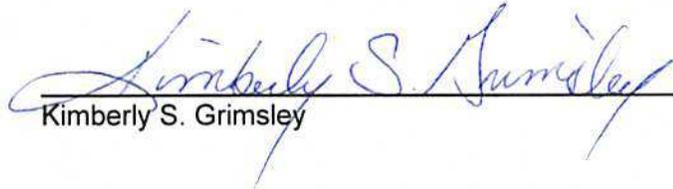
OLIVER & GRIMSLEY, LLC  
*Attorney for Applicant,*  
*Message Systems, Inc.*

By: 

Kimberly S. Grimsley  
502 Washington Avenue, Ste. 605  
Towson, MD 21204  
(443) 541-5680

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Applicant's MOTION TO EXTEND TIME WITH CONSENT FOR DISCLOSURES, DISCOVERY AND TESTIMONY WITH REPORT ON STATUS OF NEGOTIATIONS was served upon counsel to Opposer, Robert W. Zelnick, McDermott Will & Emery, LLP, 500 N. Capital St., Washington DC 20001, by electronic mail pursuant to agreement at the following e-mail address: rzelnick@mwe.com this 1<sup>st</sup> day of April, 2014.

  
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Kimberly S. Grimsley