

ESTTA Tracking number: **ESTTA640042**

Filing date: **11/19/2014**

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

Proceeding.	91207107
Applicant	Plaintiff Boston Red Sox Baseball Club Limited Partnership
Other Party	Defendant Michael Litterio
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

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

The Close of Plaintiff's Trial Period is currently set to close on 01/07/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 30 days, or until 02/06/2015, 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 :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	12/23/2014
Plaintiff's 30-day Trial Period Ends :	02/06/2015
Defendant's Pretrial Disclosures :	02/21/2015
Defendant's 30-day Trial Period Ends :	04/07/2015
Plaintiff's Rebuttal Disclosures :	04/22/2015
Plaintiff's 15-day Rebuttal Period Ends :	05/22/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Since the institution of the proceedings, the parties have had verbal and written settlement negotiations, have drafted, reviewed and proposed term sheets, as well as drafted an agreement, which includes an amendment of Applicant's revised mark. During the course of the proceeding, Applicant has amended his mark, which takes time, and the parties have negotiated the amended mark. Additionally, the parties have held several settlement discussions regarding the amended mark and the terms for a settlement agreement. On November 18th, Opposer's counsel sent Applicant's counsel the latest settlement proposal, which discusses Applicant's amended mark and terms that were previously discussed and agreed upon by the parties, including use and registration provisions regarding the parties' respective marks. The parties have also scheduled a conference for next week to discuss Applicant's response to the latest pro-*

*posal. The additional time is therefore requested for Applicant to consider the latest settlement proposal, and for the parties to continue to work towards settlement of this matter. If an agreement is accepted by the parties, there will be no need to proceed with the Opposition. Additionally, the parties are engaged in the discovery process. Both parties served discovery requests and responses. However, due to the massive amount of materials that will need to be gathered, covering an extensive period of time, Opposer needs additional time to complete discovery. The parties therefore request the extension in order to work towards settlement of this matter and complete the discovery process.*

Boston Red Sox Baseball Club Limited Partnership has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Boston Red Sox Baseball Club Limited Partnership 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 First Class Mail on this date.

Respectfully submitted,

/Aryn M. Emert/

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