

ESTTA Tracking number: **ESTTA658298**

Filing date: **02/26/2015**

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 04/07/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 30 days, or until 05/07/2015, 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 : | 03/23/2015 |
| Plaintiff's 30-day Trial Period Ends : | 05/07/2015 |
| Defendant's Pretrial Disclosures : | 05/22/2015 |
| Defendant's 30-day Trial Period Ends : | 07/06/2015 |
| Plaintiff's Rebuttal Disclosures : | 07/21/2015 |
| Plaintiff's 15-day Rebuttal Period Ends : | 08/20/2015 |

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Significant progress has been made towards settlement of this matter. 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 and exchanged an agreement, which includes an amendment of Applicant's revised mark, as well as comments concerning the agreement. Since the parties last sought an extension, Applicant's counsel reviewed the agreement with Applicant. Applicant's counsel relayed Applicant's initial comments to the agreement to Opposer's counsel. Opposer's counsel reviewed such comments, and conferred with Applicant's counsel regarding the same. Thereafter, Opposer's in-house counsel relayed Applicant's comments to Opposer's in-house counsel for consideration. Opposer's in-house counsel reviewed such comments, which relate to the use of the marks at issue, and advised Op-*

poser#s outside counsel that Applicant#s counterproposal was acceptable. Opposer#s outside conferred with Applicant#s counsel regarding the same. Additionally, the parties note that the parties# counsel conferred regarding the matter on February 8th, February 12th, February 13th, February 23rd, February 25th and February 26th. The additional time is requested for Applicant to finalize its review of the agreement and determine whether it has any additional comments, and for the parties to continue to work towards settlement. The parties have come to an agreement on most, if not all, core terms of the agreement. The parties strongly believe they will timely resolve this matter. If the agreement is accepted by both parties, there will be no need to proceed with this Opposition. The parties also request that the Board suspend the proceedings pending disposition of this motion.

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/

Aryn M. Emert

ame@cfl.com, jmn@cfl.com, trademark@cfl.com

info@thetrademarkcompany.com, msowers@thetrademarkcompany.com

02/26/2015