

ESTTA Tracking number: **ESTTA688196**

Filing date: **08/06/2015**

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 09/04/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 30 days, or until 10/04/2015, 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 :	08/20/2015
Plaintiff's 30-day Trial Period Ends :	10/04/2015
Defendant's Pretrial Disclosures :	10/19/2015
Defendant's 30-day Trial Period Ends :	12/03/2015
Plaintiff's Rebuttal Disclosures :	12/18/2015
Plaintiff's 15-day Rebuttal Period Ends :	01/17/2016

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Progress has been made towards settlement of this matter. Since the parties last sought an extension, the parties and their counsel held a lengthy settlement conference to discuss the two terms that were open in the agreement. The parties resolved one of the terms during the conference, and agreed to discuss the remaining term with their respective counsel following the call. Following the call, Opposer's in-house counsel conferred with Opposer's outside counsel regarding settlement and the one term that remained open in the agreement. Applicant also conferred with Applicant's counsel regarding the same. Thereafter, Applicant's counsel wrote to Opposer's counsel regarding his client's position. The parties note that they communicated regarding this matter on July 21st, July 22nd, July 23rd, August 3rd, August 4th and August 6th. The additional time is requested to allow time for the parties' counsel to discuss Applicant's*

*most recent communication regarding settlement and, in the event that the parties cannot reach a settlement, the time is requested for Opposer to complete its testimony. The parties also request that the proceedings be suspended pending disposition of the 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/

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