ESTTA Tracking number: **ESTTA585620**
Filing date: **02/04/2014**

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

| | |
|---|---|
| Proceeding | 91207789 |
| Party | Defendant<br>Funzio, Inc. |
| Correspondence Address | Eugene M. Pak<br>Wendel, Rosen, Black & Dean LLP<br>1111 Broadway, 24th Floor<br>Oakland, CA 94607<br>UNITED STATES<br>tmdocket@wendel.com |
| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | Eugene Pak |
| Filer's e-mail | epak@wendel.com,tmdocket@wendel.com |
| Signature | /Eugene Pak/ |
| Date | 02/04/2014 |
| Attachments | Consented Extension Request Feb 2014 MODERN WAR.pdf(59673 bytes ) |

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

| | | |
|---|---|---|
| ACTIVISION PUBLISHING,<br><br>Opposer,<br><br>v.<br><br>FUNZIO, INC.,<br><br>Applicant. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | Opposition No. 91207789<br><br>Serial No. 85424172 (MODERN WAR) |

**CONSENTED REQUEST TO EXTEND DEADLINES**

Applicant Funzio, Inc. ("Applicant") requests a one-month extension of the deadlines currently set in this matter, as set forth below. Opposer Activision Publishing, Inc. through counsel, has consented to this request.

On January 22, 2014, the Board issued an order granting the parties' prior consented extension request, and stated that to obtain a further extension, the parties must set forth facts constituting good cause for such extension. The proceeding was filed on October 31, 2012, about 15 months ago. The parties have been actively engaged in settlement discussions, and have exchanged drafts of a settlement agreement on multiple occasions, including within the last few weeks. The parties have resolved certain issues regarding the application and are negotiating others. The parties hope to finalize settlement shortly.

In light of this, good cause exists for a further 30-day extension of time, and the parties wish to extend the deadlines as set forth below in order to allow time to finalize settlement.

| | |
|---|---|
| Time to Answer: | 03/04/2014 |
| Deadline for Discovery Conference | 04/06/2014 |
| Discovery Opens | 04/06/2014 |
| Initial Disclosures Due | 05/05/2014 |
| Expert Disclosure Due | 09/03/2014 |
| Discovery Closes | 10/02/2014 |
| Plaintiff's Pretrial Disclosures | 10/17/2014 |
| Plaintiff's 30-day Trial Period Ends | 1/01/2015 |
| Defendant's Pretrial Disclosures | 1/16/2015 |
| Defendant's 30-day Trial Period Ends | 2/30/2015 |
| Plaintiff's Rebuttal Disclosures | 03/14/2015 |
| Plaintiff's 15-day Rebuttal Period Ends | 04/16/2015 |

Dated: February 3, 2014

Respectfully submitted,

WENDEL ROSEN BLACK & DEAN LLP

By: _/Eugene M. Pak/_____
Eugene M. Pak

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Attorneys for Applicant
Funzio, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Consented Request to Extend Deadlines has been served on Opposer Activision Publishing, Inc. by e-mailing said copy on February 3, 2014 (via consent of Opposer) to Opposer's counsel of record identified below, to the e-mail addresses listed below:

Marc E. Mayer
Alexa L. Lewis
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E-mail: mem@msk.com,all@msk.com

/Eugene M. Pak/
Eugene M. Pak