

ESTTA Tracking number: **ESTTA655721**

Filing date: **02/12/2015**

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

Proceeding	91211144
Party	Plaintiff SparkNotes LLC
Correspondence Address	TODD BRAVERMAN PEARL COHEN ZEDEK LATZER LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036 UNITED STATES tm-uspto@pearlcohen.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Todd Braverman
Filer's e-mail	tm-uspto@pearlcohen.com
Signature	/tjbraverman/
Date	02/12/2015
Attachments	Motion to Extend Answer Deadlines - Spark News - February 12, 2015 - Revised.pdf(65012 bytes)

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

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SPARKNOTES LLC,	:	
	:	
Opposer,	:	Opposition No. 91211144
	:	Application Serial No. 79/113,656
	:	Mark: SPARK NEWS
	:	
v.	:	
	:	
ENOYA PROJECTS,	:	
	:	
	:	
Applicant.	:	
	:	
	:	
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ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**MOTION FOR AN EXTENSION OF
TIME TO ANSWER WITH CONSENT AND
REPORT ON SETTLEMENT NEGOTIATIONS**

In the TTAB Order dated December 29, 2014, the Board requested a report detailing the progress of any ongoing settlement negotiations and for the parties to provide goods cause for any future extension or suspension request.

The prior Order, dated November 13, 2014 indicated that such report must include, at a minimum: 1) all dates on which the parties communicated, and the method of each communication (e.g. telephone, email, in-person meeting), 2) the general nature of each communication, 3) the issues that have been resolved, 4) the issues that remain to be resolved or that remain for trial, and 5) a proposed timetable for resolution of the unresolved issues.

Applicant and Opposer have exchanged several proposed Trademark Co-Existence Agreements and counter-proposals via e-mail regarding use and registration of the mark SPARK

NEWS during the prosecution of Opposition No. 91201229. The following are substantive dates of e-mail exchanges with included proposed settlement provisions: January 22, 2014, July 10, 2014, August 21, 2014 and February 11, 2015.

During this time period, counsel for Applicant and Opposer have been in contact with their respective clients regarding settlement terms and conditions and received instructions and counter-settlement and co-existence proposals.

Opposer has prepared a proposed counter-offer to Applicant which was sent via e-mail to Applicant on February 11, 2015

In terms of outstanding legal issues, at present, Applicant and Opposer are attempting to resolve Applicant's scope of services under the SPARK NEWS mark, Opposer's use of the mark SPARKNOTES and other SPARK marks outside the United States and co-existence for future uses of the SPARK designation by both Applicant and Opposer.

In terms of timetable for resolution, Applicant and Opposer are diligently negotiating resolution of Opposition No. 91211144 and expect to resolve the Opposition within the next several months.

Applicant and Opposer have good cause for requesting the TTAB to grant any additional Requests to Extend the Time to Answer in order for the parties to finalize a formal Trademark Co-Existence Agreement.

Opposer, SparkNotes LLC, through its counsel, hereby moves the Trademark Trial & Appeal Board to extend the time for Applicant to Answer and for all subsequent discovery and trial dates for sixty (60) days from the dates listed in the TTAB Order dated November 13, 2014 in accordance with the below revised trial schedule:

Time to Answer:	April 13, 2015
Deadline for Discovery Conference:	May 13, 2015
Discovery Opens:	May 13, 2015
Initial Disclosures Due:	June 12, 2015
Expert Disclosure Due:	October 10, 2015
Discovery Closes:	November 9, 2015
Plaintiff's Pretrial Disclosures:	December 24, 2015
Plaintiff's 30-day Trial Period Ends:	February 7, 2016
Defendant's Pretrial Disclosures:	February 22, 2016
Defendant's 30-day Trial Period Ends:	April 7, 2016
Plaintiff's Rebuttal Disclosures:	April 22, 2016
Plaintiff's 15-day Rebuttal Period Ends:	May 22, 2016

This time is needed in order for each party to confer with their respective clients and allow additional time to discuss discovery related matters and finalize settlement.

The foregoing motion is not being filed for the purpose of mere delay of the proceedings and favorable consideration of this request is respectfully solicited.

Applicant has secured the express consent of all parties to this proceeding for the extension and resetting of dates requested herein.

Dated: New York, New York
February 12, 2015

Respectfully submitted,

Todd Braverman

By: _____

Todd Braverman, Esq.
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Attorneys for Opposer
SPARKNOTES LLC

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CERTIFICATE OF E-MAIL SERVICE

I hereby certify that a copy of the foregoing “MOTION FOR AN EXTENSION OF TIME TO ANSWER WITH CONSENT AND REPORT ON SETTLEMENT NEGOTIATIONS” was e-mailed to M SCOTT ALPRIN, Alprin Law Offices, 5 Pinehurst Circle NW, Washington, DC 20015, attorneys for Applicant, at trademarks@alprinlaw.com, this 12 day of February, 2015.

Date: February 12, 2015

Todd Braverman

Todd Braverman Esq.