

ESTTA Tracking number: **ESTTA567455**

Filing date: **10/28/2013**

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

Proceeding	91212074
Party	Plaintiff Pepsico, Inc.
Correspondence Address	Elizabeth N. Bilus PEPSICO, INC. 700 ANDERSON HILL ROAD PURCHASE, NY 10577 UNITED STATES trademarks@pepsico.com, elizabeth.bilus@pepsico.com, donna.j.sanders@pepsico.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lauren Beth Emerson
Filer's e-mail	lauren.emerson@bakerbotts.com, nytmdpt@bakerbotts.com
Signature	/lbe/
Date	10/28/2013
Attachments	Motion on Consent to Extend Dates.PDF(50327 bytes)

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

In the matter of U.S. Applicant Serial No. 85/555,012
Trademark: PEPSIP
Filed: August 5, 2005

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PEPSICO, INC.	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91212074
	:	
DYNAMIC MOUTH DEVICES, LLC	:	
	:	
Applicant.	:	
	:	
-----X	:	

MOTION ON CONSENT TO EXTEND ALL DATES BY 30 DAYS

Opposer, PepsiCo, Inc. (“Opposer”), by its undersigned counsel, respectfully moves for a thirty (30) day extension of all dates in the proceeding with the consent of Opposer and for the good cause shown herein.

The parties have held their initial discovery conference and are engaged in settlement negotiations. It is anticipated that a settlement may be achieved but more time is required. Extending out the dates in the proceeding, including dates for the initial disclosures, discovery and trial, should assist the parties in their efforts toward trying to reach a settlement. This motion is made in good faith and without any intention of causing a delay in this proceeding.

By e-mail on October 25, 2013, Applicant’s counsel consented to a thirty (30) day extension of all dates in the proceeding.

Wherefore, for the reasons stated and the good cause shown herein, Opposer, by its counsel, and with Applicant's consent, respectfully requests that all dates be extended by thirty (30) days as follows:

Time to Answer : CLOSED
Deadline for Discovery Conference : CLOSED
Discovery Opens : 11/27/2013
Initial Disclosures Due : 12/27/2013
Expert Disclosures Due : 04/26/2014
Discovery Period to Close : 05/26/2014
Plaintiff Pretrial Disclosures : 07/10/2014
Plaintiff's 30-day Trial Period Ends : 08/24/2014
Defendant's Pretrial Disclosures : 09/08/2014
Defendant's 30-day Trial Period ends : 10/23/2014
Plaintiff's Rebuttal Disclosures : 11/07/2014
Plaintiff's 15-day Rebuttal Period Ends : 12/07/2014

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: October 28, 2013

By: 
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Attorneys for Opposer
PepsiCo, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below a true and correct copy of the aforementioned document, "**MOTION ON CONSENT TO EXTEND ALL DATES BY 30 DAYS,**" was served via email on following counsel of record for the Applicant as follows:

trademarkadmin@ldlkm.com
greilly@ldlkm.com
litigation@ldlkm.com

Date: October 28, 2013



Lauren Beth Emerson