

ESTTA Tracking number: **ESTTA589227**

Filing date: **02/25/2014**

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

Proceeding	91212074
Party	Plaintiff Pepsico, Inc.
Correspondence Address	LAUREN BETH EMERSON BAKER BOTTS LLP 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-4498 UNITED STATES trademarks@pepsico.com, elizabeth.bilus@pepsico.com, donna.j.sanders@pepsico.com, lauren.emerson@bakerbotts.com, nytmdpt@bakerbotts.com, paul.reilly@b
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	02/25/2014
Attachments	PEPSIP Motion to Extend 90 Days 2-25.pdf(22054 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: February 28, 2012

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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 90 DAYS

Opposer, PepsiCo, Inc. (“Opposer”), by its undersigned counsel, respectfully moves for a ninety (90) day extension of all dates in the proceeding with the consent of Opposer and for the good cause shown herein.

The parties are engaged in settlement negotiations, and have exchanged drafts of an agreement. It is anticipated that a settlement will 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 February 24, 2014, Applicant’s counsel proposed a three (3) month extension of all dates in the proceeding, and Opposer’s counsel consented by email on February 25, 2014.

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 ninety (90) days as follows:

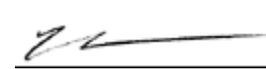
Initial Disclosures Due : 05/26/2014
Expert Disclosures Due : 09/23/2014
Discovery Period to Close : 10/23/2014
Plaintiff Pretrial Disclosures : 12/07/2014
Plaintiff's 30-day Trial Period Ends : 01/21/2015
Defendant's Pretrial Disclosures : 02/05/2015
Defendant's 30-day Trial Period ends : 03/22/2015
Plaintiff's Rebuttal Disclosures : 04/06/2015
Plaintiff's 15-day Rebuttal Period Ends : 05/06/2015

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: February 25, 2014

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 90 DAYS,**” was served via email on following counsel of record for the Opposer as follows:

GREGORY M REILLY
LERNER DAVID LITTENBERG KRUMHOLZ ET AL
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Date: February 25, 2014


Lauren Beth Emerson