

ESTTA Tracking number: **ESTTA708135**

Filing date: **11/12/2015**

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

Proceeding	91219959
Party	Plaintiff Universal Protein Supplements Corporation dba Universal Nutrition
Correspondence Address	MAUREEN BEACOM GORMAN MARSHALL GERSTEIN & BORUN 233 S WACKER DR STE 6300 CHICAGO, IL 60606 UNITED STATES mgorman@marshallip.com, kking@marshallip.com, cbeaker@marshallip.com
Submission	Motion to Extend
Filer's Name	Craig A. Beaker
Filer's e-mail	mgorman@marshallip.com, cbeaker@marshallip.com, kking@marshallip.com
Signature	/Craig A. Beaker/
Date	11/12/2015
Attachments	151112 Extension of Time.pdf(86205 bytes)

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

Universal Protein Supplements Corporation,

Opposer,

v.

Fitness Publications, Inc.,

Applicant.

Serial No. 86/026,728

Opposition No. 91219959



Mark:

CONSENTED MOTION TO EXTEND TIME TO FILE ANSWER

Pursuant Rule 6(b) of the Federal Rules of Civil Procedure and Trademark Trial and Appeal Board § 509, Opposer Universal Protein Supplements Corporation d/b/a Universal Nutrition (“Universal”), through its counsel, Marshall, Gerstein & Borun LLP, hereby respectfully requests that the Trademark Trial and Appeal Board extend the deadline to file its answer to Applicant Fitness Publications, Inc.’s (“Applicant”) counterclaim by seven (7) days, and that all subsequent trial dates be reset as set forth below. Applicant consented to Opposer’s requested extension of time. Moreover, Universal submits that the requested extension of time is not necessitated by Universal’s own lack of diligence or unreasonable delay.

PROPOSED SCHEDULE	
Answer to Counterclaim Due	November 26, 2015
Deadline for Discovery Conference	December 26, 2015
Discovery Opens	December 26, 2015
Initial Disclosures Due	January 25, 2016
Expert Disclosures Due	May 24, 2016
Discovery Closes	June 23, 2016
Plaintiff’s Pretrial Disclosures Due	August 7, 2016
Plaintiff’s 30-Day Trial Period Ends	September 21, 2016
Defendant’s/Counterclaim Plaintiff’s Pretrial Disclosures Due	October 6, 2016
Defendant’s/Counterclaim Plaintiff’s 30-Day Trial Period Ends	November 20, 2016

Plaintiff's/Counterclaim Defendant's Rebuttal Disclosures Due	December 5, 2016
Plaintiff's Rebuttal Period/Counterclaim Defendant's 30-Day Trial Period Ends	January 19, 2017
Counterclaim Plaintiff's Rebuttal Disclosures Due	February 3, 2017
Counterclaim Plaintiff's 15-Day Rebuttal Period Ends	March 5, 2017
Brief for Plaintiff Due	May 4, 2017
Brief for Defendant and Plaintiff in Counterclaim Due	June 3, 2017
Brief for Defendant in Counterclaim and Reply Brief for Plaintiff Due	July 3, 2017
Reply Brief for Plaintiff in Counterclaim Due	July 18, 2017

The foregoing request is prior to the current expiration of the above trial periods.

Respectfully submitted,

Universal Protein Supplements Corporation
d/b/a Universal Nutrition

Dated: November 12, 2015

/Craig Beaker/

Maureen Beacom Gorman
Craig A. Beaker
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 474-6300

Attorneys for Universal Protein Supplements
Corporation d/b/a Universal Nutrition

CERTIFICATE OF SERVICE

I certify that the CONSENTED MOTION TO EXTEND TIME TO FILE ANSWER was served on Fitness Publications, Inc. by mailing a copy by first class mail, postage prepaid, to its attorney of record, David W. Grace, Loeb & Loeb LLP, 10100 Santa Monica Boulevard, Suite 2200, Los Angeles, California 90067-4120.

Dated: November 12, 2015

/Craig Beaker/
Craig A. Beaker