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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	James E. Griffith
Filer's e-mail	jgriffith@marshallip.com
Signature	/James E. Griffith/
Date	06/21/2016
Attachments	Motion_to_Extend_Discovery_Period.pdf(86230 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:

JOINT MOTION TO EXTEND DISCOVERY PERIOD

Pursuant to Trademark Trial and Appeal Board Rule 403.04 and 37 CFR § 2.120(a)(2), 2.121(a), and 2.121(d), Opposer Universal Protein Supplements Corporation d/b/a Universal Nutrition (“Universal”), through its counsel, Marshall, Gerstein & Borun LLP, and Applicant Fitness Publications, Inc., through its counsel Loeb & Loeb LLP, hereby respectfully request that the Trademark Trial and Appeal Board extend the discovery period by 90 days, and that all subsequent trial dates be reset as set forth below. The parties have served both served written discovery and require additional time to complete their responses, as well as to schedule and take depositions. The extension sought by the parties is not the result of either party’s lack of diligence or unreasonable delay.

PROPOSED SCHEDULE	
Expert Disclosures Due	August 24, 2016
Discovery Closes	September 23, 2016
Plaintiff’s Pretrial Disclosures Due	November 7, 2016
Plaintiff’s 30-Day Trial Period Ends	December 21, 2016
Defendant’s/Counterclaim Plaintiff’s Pretrial Disclosures Due	January 6, 2017
Defendant’s/Counterclaim Plaintiff’s 30-Day Trial Period Ends	February 21, 2017
Plaintiff’s/Counterclaim Defendant’s Rebuttal Disclosures Due	March 6, 2017

Plaintiff's Rebuttal Period/Counterclaim Defendant's 30-Day Trial Period Ends	April 19, 2017
Counterclaim Plaintiff's Rebuttal Disclosures Due	May 3, 2017
Counterclaim Plaintiff's 15-Day Rebuttal Period Ends	June 5, 2017
Brief for Plaintiff Due	August 4, 2017
Brief for Defendant and Plaintiff in Counterclaim Due	September 5, 2017
Brief for Defendant in Counterclaim and Reply Brief for Plaintiff Due	October 3, 2017
Reply Brief for Plaintiff in Counterclaim Due	October 18, 2017

The foregoing request is made prior to the expiration of the presently existing discovery and trial periods.

Respectfully submitted,

Universal Protein Supplements Corporation
d/b/a Universal Nutrition

Dated: June 21, 2016

s/ James E. Griffith

Maureen Beacom Gorman
James E. Griffith
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

s/ David W. Grace

David W. Grace
LOEB & LOEB LLP
10100 Santa Monica Boulevard Suite 2200
Los Angeles, California 90067
(310) 282-2000

Attorney for Fitness Publications, Inc.

CERTIFICATE OF SERVICE

I certify that the JOINT MOTION TO EXTEND DISCOVERY PERIOD 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: June 21, 2016

s/ James E. Griffith
James E. Griffith