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

Proceeding	91220182
Party	Plaintiff Beats Electronics, LLC
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Date	12/10/2015
Attachments	BETASAVERS Motion for an Extension of Discovery or Trial Periods 22166294_2.pdf(12595 bytes)

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

BEATS ELECTRONICS, LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91220182
)	
BETASAVERS LLC)	
)	
Applicant.)	

Motion for an Extension of Discovery or Trial Periods

Opposer, Beats Electronics, LLC, by its attorneys Neal, Gerber & Eisenberg LLP, hereby states the following in support of its motion for extension of discovery and testimony periods:

1. On January 14, 2015, Opposer filed a Notice of Opposition, and on that same day, the Board issued a Scheduling Order which gave Applicant until February 23, 2015 to file its Answer.
2. On February 5, 2015, the Applicant filed an Answer.
3. On March 6, 2015, Opposer filed a Motion to Strike Applicant’s non-responsive Answer on the grounds that Applicant’s Answer was unresponsive to the allegations in Opposer’s Notice of Opposition. Applicant did not file a response to Opposer’s Motion.
4. On May 8, 2015, the Board entered an Order granting Opposer’s Motion to Strike and allowed Applicant until June 13, 2015 to file an Amended Answer and reset the Scheduling Order accordingly.
5. On June 7, 2015, Applicant filed its Amended Answer.
6. Pursuant to the Board’s revised Scheduling Order, the parties participated in an initial discovery conference by the July 13, 2015 deadline and discussed the possibility of settlement, but were unable to reach an agreement.
7. Meanwhile, Opposer served its Initial Disclosures on August 12, 2015 and mailed written discovery to Applicant on November 3, 2015 at the address on record with the Trademark Trial and Appeal Board, with a courtesy copy via email. Applicant’s responses to Opposer’s first set of discovery requests were due on December 8, 2015.
8. On November 23, 2015, Opposer’s discovery requests to Applicant were returned to Opposer as undeliverable. On November 30, 2015, Andrea Fuelleman, one of Opposer’s attorney’s sent an email to Mr. Ade Adefalujo, Applicant’s current contact, indicating that the discovery was returned as undeliverable and to inquire whether Applicant has a new mailing

address as well as to request Applicant's express consent to an extension of time for discovery in view of the upcoming holidays and discovery deadlines.

9. On November 30, 2015, Mr. Adefalajo, sent a reply email indicating that Applicant has a new office address, but failing to respond to the request for extension.

10. On December 3, 2015, as a courtesy, Opposer mailed its First Amended Set of Interrogatories and First Set of Requests for the Production of Documents to Applicant's new office address as well as Applicant's address on record with the Trademark Trial and Appeal Board.

11. To date, Applicant has not responded to Opposer's request for consent to an extension of time for discovery, nor has it provided any responses to Opposer's discovery requests. In addition, Applicant has not yet served its Initial Disclosures or propounded any discovery requests on Opposer.

12. Accordingly, to ensure the full and orderly completion of discovery, and to allow time for motion practice if necessary, Opposer requests a 90-day extension of the discovery and testimony periods in this matter, which would alter the operative dates as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	CLOSED
Expert Disclosure Due:	03/09/2016
Discovery Closes:	04/08/2016
Opposer's Pretrial Disclosures Due:	05/23/2016
Opposer's 30-Day Trial period Ends:	07/07/2016
Applicant's Pretrial Disclosures Due:	07/22/2016
Applicant's 30-Day Trial Period Ends:	09/05/2016
Opposer's Rebuttal Disclosures Due:	09/20/2016
Opposer's 15-Day Rebuttal Period Ends:	10/20/2016

13. The extension sought hereby is to permit the full and orderly completion of discovery and is not for the purposes of delay.

WHEREFORE, for the reasons set forth above, Opposer respectfully requests that the Board enter an Order granting its motion for extension of discovery and testimony periods.

Dated: December 10, 2015

Respectfully submitted,

s/Michael G. Kelber/
One of the Attorneys for Opposer
Beats Electronics, Inc.

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CERTIFICATE OF SERVICE

I, Andrea S. Fuelleman, state that I served a true and correct copy of the foregoing

Motion for an Extension of Discovery or Trial Periods upon:

Mr. Adegbayi Adefalajo
Betasavers LLC
60 E. Rio Salado Parkway, Suite 900
Tempe, AZ 85281-9126

via U.S. Mail on December 10, 2015, and with a courtesy copy via email to ade@betasavers.com.

s /Andrea S. Fuelleman/
Andrea S. Fuelleman

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