

ESTTA Tracking number: **ESTTA713073**

Filing date: **12/07/2015**

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

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|------------------------|---|
| Proceeding | 91221981 |
| Party | Plaintiff Nutri/System IPHC, Inc. |
| Correspondence Address | Lisa A. Lori Klehr Harrison Harvey Branzburg LLP 1835 Market Street Suite 1400 Philadelphia, PA 19801 UNITED STATES trademarks@klehr.com |
| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | Lisa A. Lori |
| Filer's e-mail | trademarks@klehr.com |
| Signature | /Lisa A. Lori/ |
| Date | 12/07/2015 |
| Attachments | Motion to Extend.pdf(11751 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|--------------------------|------------------------------------|
| NUTRI/SYSTEM IPHC, INC., | : |
| | : |
| Opposer, | : Opposition No.: 91221981 |
| | : Serial No. 86/421639 |
| vs. | : Mark: NUTRIMOST |
| | : Filing Date: October 13, 2014 |
| NUTRIMOST LLC, | : Publication Date: March 17, 2015 |
| | : |
| Applicant. | : |

**OPPOSER’S MOTION TO EXTEND DISCOVERY, DISCLOSURE
AND TRIAL SCHEDULE**

Pursuant to Fed. R. Civ. P. 6(b), Opposer Nutri/System IPHC, Inc. (“Nutri/System”) hereby moves the Board to extend the discovery, disclosure and trial schedule for an additional one hundred twenty (120) days. *See* TBMP § 403.04. In support of its Motion, Nutri/System states as follows.

- 1.) On December 4, 2015, undersigned counsel took over this matter on behalf of Nutri/System.
- 2.) On December 7, 2015, undersigned counsel filed their Entry of Appearance in this matter.
- 3.) Expert Reports are due on December 24, 2015.
- 4.) Discovery closes on January 23, 2016.
- 5.) Plaintiff’s Pretrial Disclosures are due on March 8, 2016.
- 6.) Plaintiff’s 30-day trial period ends on April 22, 2016.
- 7.) Defendant’s Pretrial Disclosures are due on May 7, 2016.
- 8.) Defendant’s 30-day trial period ends on June 21, 2016.
- 9.) Plaintiff’s Rebuttal Disclosures are due on July 6, 2016.
- 10.) Plaintiff’s 15-day Rebuttal period ends August 5, 2016.

The closing date of the discovery period may be extended by motion granted by the Board. *See* Fed. R. Civ. P. 6(b) and TBMP § 403.04. Here, Nutri/System's request to extend is not prompted by mere delay in completing discovery. Rather, Nutri/System's undersigned counsel, who just entered an appearance in this matter on December 7, 2015, needs additional time to become acclimated to the matter and the issues at hand. In addition, extending the discovery period will also necessitate an extension of the deadlines contained in the disclosure and trial schedule.

Undersigned counsel has conferred with opposing counsel who consents to this request.

THEREFORE, Nutri/System requests an additional one hundred twenty (120) days to complete discovery, including all of the remaining deadlines referenced above. This is the first motion to extend discovery in this matter.

KLEHR HARRISON HARVEY
BRANZBURG LLP

Dated: December 7, 2015

_____/s/ Lisa A. Lori
Lisa A. Lori, Esquire
1835 Market Street
Philadelphia, PA 19103
(215) 569-2700

Attorney for Opposer Nutri/System IPHC, Inc.

CERTIFICATE OF SERVICE

I, Lisa A. Lori, hereby certify that on December 7, 2015, I caused a true and correct copy of Opposer's Motion to Extend Discovery, Disclosure and Trial Schedule to be served upon the following via First Class Mail:

Joseph A. Sebolt, Esquire
Laura L. Beoglos, Esquire
Sand & Sebolt, LPA
Aegis Tower, Suite 1100
4940 Munson Street, N.W.
Canton, OH 44718-1174

/s/ Lisa A. Lori
Lisa A. Lori