

ESTTA Tracking number: **ESTTA728358**

Filing date: **02/19/2016**

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

Proceeding	91223290
Party	Plaintiff Nerium International, LLC
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Submission	Stipulated/Consent Motion to Extend
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Signature	/Lisa R. Hemphill/
Date	02/19/2016
Attachments	Stipulated Motion to Designate Opposer's Deadline to File Answer to Applicant's Counterclaim and to Extend All Remaining Deadlines.pdf(20033 bytes )



to Applicant’s Counterclaim. Accordingly, modifying the scheduling order to accommodate this event is necessary and appropriate. *Second*, the parties are engaged in meaningful settlement negotiations and need additional time to negotiate settlement terms. Extending the remaining deadlines in the scheduling order by approximately 60 days would further facilitate those negotiations. Once the parties agree on the settlement terms and the settlement agreement is completed, this proceeding may be disposed of and removed from the Board’s docket.

The remaining deadlines in the current scheduling order are as follows:

<b>Event</b>	<b>Deadline</b>
Deadline for REQUIRED Discovery Conference	2/20/2016
Discovery Opens	2/20/2016
Initial Disclosures Due	3/21/2016
Expert Disclosures Due	7/19/2016
Discovery Closes	8/18/2016
Plaintiff’s Pretrial Disclosures	10/2/2016
Plaintiff’s 30-day Trial Period Ends	11/16/2016
Defendant’s Pretrial Disclosures	12/1/2016
Defendant’s 30-day Trial Period Ends	1/15/2017
Plaintiff’s Rebuttal Disclosures	1/30/2017
Plaintiff’s 15-day Rebuttal Period Ends	3/1/2017

If this stipulated motion is granted, the new scheduling order would designate a deadline of March 22, 2016 for Opposer’s Answer to Applicant’s Counterclaim and extend all remaining deadlines by approximately 60 days, as shown below:

<b>Event</b>	<b>Deadline</b>
Opposer’s Answer to Applicant’s Counterclaim	3/22/2016
Deadline for REQUIRED Discovery Conference	4/20/2016
Discovery Opens	4/20/2016
Initial Disclosures Due	5/20/2016
Expert Disclosures Due	9/19/2016
Discovery Closes	10/17/2016
Plaintiff’s Pretrial Disclosures	12/1/2016
Plaintiff’s 30-day Trial Period Ends	1/16/2017

Defendant's Pretrial Disclosures	1/30/2017
Defendant's 30-day Trial Period Ends	3/16/2017
Plaintiff's Rebuttal Disclosures	3/31/2017
Plaintiff's 15-day Rebuttal Period Ends	5/1/2017

For the foregoing reasons, Opposer Nerium International, LLC and Applicant Nerium Biotechnology, Inc. jointly move to modify the scheduling order in the above-referenced proceeding in order to (1) designate a deadline of March 22, 2016 for Opposer's Answer to Applicant's Counterclaim, and (2) to extend all remaining deadlines in the scheduling order by approximately 60 days.

Date: February 19, 2016

Respectfully submitted,

*/Lisa R. Hemphill/*

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**ATTORNEYS FOR APPLICANT  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Stipulated Motion to Designate Opposer's Deadline to File Answer to Applicant's Counterclaim and to Extend All Remaining Deadlines was served on Applicant's counsel of record pursuant to the parties' agreement, via email on February 19, 2016 to the following email addresses set forth below:

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*Attorneys for Applicant Nerium Biotechnology, Inc.*

*/Lisa R. Hemphill/*

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