

ESTTA Tracking number: **ESTTA768849**

Filing date: **09/06/2016**

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

Proceeding.	91229210
Applicant	Defendant Ingram Micro, Inc.
Other Party	Plaintiff ICON Health & Fitness, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Defendant's Time to Answer is currently set to close on 09/06/2016. Ingram Micro, Inc. requests that such date be extended for 60 days, or until 11/05/2016, and that all subsequent dates be reset accordingly.

Time to Answer :	11/05/2016
Deadline for Discovery Conference :	12/05/2016
Discovery Opens :	12/05/2016
Initial Disclosures Due :	01/04/2017
Expert Disclosure Due :	05/04/2017
Discovery Closes :	06/03/2017
Plaintiff's Pretrial Disclosures :	07/18/2017
Plaintiff's 30-day Trial Period Ends :	09/01/2017
Defendant's Pretrial Disclosures :	09/16/2017
Defendant's 30-day Trial Period Ends :	10/31/2017
Plaintiff's Rebuttal Disclosures :	11/15/2017
Plaintiff's 15-day Rebuttal Period Ends :	12/15/2017

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *Applicant, by counsel, moves for a 60 day extension of time, from the present deadline of September 6, 2016, to and including November 7, 2016, within which to answer or otherwise plead with regard to the Notice of Opposition, and in support of this Motion states as follows: 1. On July 28, 2016, the present opposition proceeding was instituted, and the United States Trademark Trial and Appeal Board set a deadline to answer the Notice of Opposition of September 6, 2016. 2. Since the case was instituted, the parties have been discussing and continue to discuss settlement of this proceeding. If negotiations are successful, the settlement will obviate the need to prepare any response. 3. The undersigned counsel certifies that on September 2, 2016, Mr. Gregory M. Hess, counsel for Opposer, confirmed in email correspondence with the undersigned that Petitioner does not object to this Motion for Extension of Time to File Answer. 4. The undersigned counsel certifies that good cause exists for the present request, and it is not being made for purposes of delay. WHEREFORE, Applicant respectfully requests that the Board extend the deadline by which Applicant must answer or otherwise plead with regard to the Petition Notice of Opposition by 60*

*days, to and including November 7, 2016. Action in accordance with this request is respectfully solicited.*  
Ingram Micro, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Ingram Micro, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Jana E. Harris/

Jana E. Harris

jana.harris@icemiller.com, h.banta@icemiller.com, ipdocket@icemiller.com

lshaw@parrbrown.com, gness@parrbrown.com

09/06/2016