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

Proceeding	92049025
Party	Plaintiff Raising Cane's USA, LLC
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Submission	Stipulated/Consent Motion to Reopen
Filer's Name	Bryce J. Maynard
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Date	01/16/2009
Attachments	Consented Motion.pdf ( 3 pages )(20398 bytes )

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

RAISING CANE'S USA, LLC

Petitioner,

Cancellation No.: 92049025

V.

SLIM CHICKEN'S HOLDINGS, LLC,

Registrant

**PETITIONER'S CONSENTED MOTION TO REOPEN DISCOVERY**

Pursuant to Fed. R. Civ. P. 6(b) and TBMP § 509.01(b)(1), Petitioner Raising Cane's USA, LLC hereby moves to reopen the discovery period for 30 days. Counsel for Registrant Slim Chicken's Holdings, LLC has consented to this Motion.

The discovery period closed on December 4, 2008. Several days prior to the closing of the discovery period, the parties' counsel spoke via telephone and agreed to extend the discovery period for 60 days pending settlement negotiations. However, due to a misunderstanding between the parties' counsel regarding who would be filing the Motion to Extend, the Motion to Extend was never actually filed and the discovery period closed. Although the parties are still engaged in settlement discussions, the parties need additional time to complete discovery in the event that the parties do not reach a settlement agreement.

This Motion is being made in a timely manner and in good faith. Petitioner's counsel only discovered that the discovery period had closed on January 15, 2009, when Petitioner's

counsel received an e-mail from Applicant's counsel regarding the status of settlement discussions.

Petitioner respectfully submits that these circumstances constitute "excusable neglect" under Fed. R. Civ P. 6(b). In addition, Registrant's counsel consented to this Motion on January 16, 2009. The TBMP states that consented motions to reopen time will ordinarily be granted. TBMP § 509.02.

Therefore, Petitioner respectfully requests that the Board reopen discovery for a period of 30 days dating from the Board's decision on the Motion. Petitioner requests that the testimony and trial periods be rescheduled as well in accordance with the new deadline for the close of discovery.

Respectfully submitted,

RAISING CANE'S USA, LLC

By /Bryce J. Maynard/  
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Date: January 16, 2009

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **OPPOSER'S CONSENTED**  
**MOTION TO REOPEN DISCOVERY** was served this 16th day of January, 2009 by first-  
class mail, postage prepaid, on:

S. Christian Gunn, Esq.  
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/Michelle A. Jackson/  
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