

ESTTA Tracking number: **ESTTA625556**

Filing date: **09/05/2014**

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

Proceeding.	92054683
Applicant	Plaintiff The Hispanic National Bar Association, Inc.
Other Party	Defendant The Hispanic National Bar Foundation, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

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

The Close of Discovery is currently set to close on 09/15/2014. The Hispanic National Bar Association, Inc. requests that such date be extended for 60 days, or until 11/14/2014, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	10/15/2014
Discovery Closes :	11/14/2014
Plaintiff's Pretrial Disclosures :	12/29/2014
Plaintiff's 30-day Trial Period Ends :	02/12/2015
Defendant's Pretrial Disclosures :	02/27/2015
Defendant's 30-day Trial Period Ends :	04/13/2015
Plaintiff's Rebuttal Disclosures :	04/28/2015
Plaintiff's 15-day Rebuttal Period Ends :	05/28/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *The parties respectfully request that the Board extend the deadlines in this case 60 days to facilitate settlement discussions and allow for completion of discovery. The January 3, 2014, and January 29, 2014, Orders require the parties to provide a detailed report if further extensions are requested. Specifically, the order states that the report should address #(1) when the last settlement proposal was sent, by whom, and when a response is expected, (2) a recitation of the issues that have been resolved since the commencement of this proceeding, (3) a list of issues that remain to be resolved, and (4) a timetable for resolution.# In response, Petitioner states the following: (1) Petitioner sent a draft agreement to Registrant's counsel on July 30, 2014, and Registrant provided some alternative language on July 31, 2014. Petitioner immediately responded that the changes were unacceptable and urged Registrant to sign the version for-*

*warded to her on July 30, 2014. The parties continue to discuss the matter. (2) The parties have resolved most of the issues relating to settlement, including use of a disclaimer, the nature of the services to be provided under the marks, and the issuance of a public statement by Petitioner. (3) Issues that remain outstanding include how to respond to any instances of perceived actual confusion. (4) Petitioner hopes that the matter will be resolved shortly, and well before the requested 60 day extension expires. However, Petitioner also asks for the additional time because it served discovery requests on Registrant but Registrant objected to the interrogatories in their entirety, provided very little information in response to the document requests, and produced no documents. Thus, Petitioner needs additional time to complete discovery in the event the matter is not settled.*

The Hispanic National Bar Association, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

The Hispanic National Bar Association, 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,  
/SWJ/

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