

ESTTA Tracking number: **ESTTA442251**

Filing date: **11/21/2011**

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

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| Proceeding. | 91162503   |
| Applicant   | Plaintiff<br>St. Louis Cardinals LLC             |
| Other Party | Defendant<br>Negro Leagues Baseball Museum, Inc. |

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

The Close of Plaintiff's Trial Period is currently set to close on 02/14/2012. St. Louis Cardinals LLC requests that such date be extended for 30 days, or until 03/15/2012, and that all subsequent dates be reset accordingly.

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|---|------------|
| Discovery Period to Close :   | CLOSED     |
| Thirty-day testimony period for party in position of plaintiff to close : | 03/15/2012 |
| Thirty-day testimony period for party in position of defendant to close : | 05/14/2012 |
| Fifteen-day rebuttal testimony period to close :                          | 06/28/2012 |

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 a 30-day extension of deadlines in this matter to allow the parties to try to finalize settlement or, alternatively, to complete discovery. Since the last extension request on September 2, 2011, substantial progress has been made toward the resolution of this complicated matter involving the use and registration of the parties' respective marks in the United States and abroad. On September 9, 2011, following Applicant's review of the proposed agreement drafted by Opposer's in-house counsel, the parties' respective counsel participated in a lengthy negotiation session during which the proposed agreement and any outstanding issues were carefully considered and discussed in detail. Such issues included the effective date of the agreement, various language relating to the parties to the agreement and the scope of the use and registration of their respective marks, and language relating to dispute resolution. Thereafter, Opposer's in-house counsel prepared a revised draft agreement to reflect the changes discussed during the September conference. Opposer's in-house counsel then discussed the revised draft agreement internally, revised the same, and forwarded the revised draft to Applicant's counsel for review and consideration. Opposer anticipates that the revised, international agreement should now be at a point where there are very few changes that still need to be made, though it will likely still need some tweaking, including the need to fill in certain blanks and finalize or confirm the contents of some of the exhibits. Applicant's counsel intend to meet on Tuesday to discuss the revised draft agreement. The parties believe that the additional time should be sufficient to allow the parties to finalize settlement or, alternatively, to complete discovery. Accordingly, the parties wish to allow each other a 30-day extension in which to respond to each other's discovery requests, and thus need to extend the trial period deadlines by a similar period. If accepted, the agreement would resolve this important matter without the need to continue with this opposition proceeding, and would also resolve other related U.S. and international matters.*

St. Louis Cardinals LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

St. Louis Cardinals LLC 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,

/Maryann E. Licciardi/

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11/21/2011