

ESTTA Tracking number: **ESTTA443771**

Filing date: **11/30/2011**

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

Proceeding.	91183677
Applicant	Plaintiff Foodarama Incorporated
Other Party	Defendant MIP METRO Group Intellectual Property Gm bH & Co. KG

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

The Close of Discovery is currently set to close on 12/15/2011. Foodarama Incorporated requests that such date be extended for 90 days, or until 03/14/2012, 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 :	02/13/2012
Discovery Closes :	03/14/2012
Plaintiff's Pretrial Disclosures :	04/28/2012
Plaintiff's 30-day Trial Period Ends :	06/12/2012
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	06/27/2012
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	08/11/2012
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	08/26/2012
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	10/10/2012
Counterclaim Plaintiff's Rebuttal Disclosures Due :	10/25/2012
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	11/24/2012
Plaintiff's Trial Brief Due :	01/23/2013
Defendant 's Trial Brief and Plaintiff in the Counterclaim Due :	02/22/2013
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	03/24/2013
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	04/08/2013

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The parties request the current extension given that they have been involved in settlement discussions in the hopes of resolving the matter without the need to litigate it before the Board. Each side has made proposals, but the parties have been unable to reach an agreement. Foodarama has made a proposal for the framework of a settlement. Two alternative proposals have been made by MIP Metro Group in*

response. Because the proposals involve different frameworks for a deal and are still being considered, no issues have been finally resolved at this point. Issues that remain outstanding relate to ownership of the mark at issue and the terms under which a license might be granted. In addition, the responsibility for this matter has again shifted within Opposer. Additional time is necessary for the new individuals responsible for this matter to get up to speed and determine how Opposer wants to handle it.

Foodarama Incorporated has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Foodarama Incorporated 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/

Scott W. Johnston

sjohnston@merchantgould.com, slindemeier@merchantgould.com

mtidman@bakerlaw.com

11/30/2011