

ESTTA Tracking number: **ESTTA582452**

Filing date: **01/17/2014**

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 GmbH & Co. KG
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 01/18/2014. Foodarama Incorporated requests that such date be extended for 90 days, or until 04/18/2014, 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 :	03/19/2014
Discovery Closes :	04/18/2014
Plaintiff's Pretrial Disclosures :	06/02/2014
Plaintiff's 30-day Trial Period Ends :	07/17/2014
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	08/01/2014
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	09/15/2014
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	09/30/2014
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	11/14/2014
Counterclaim Plaintiff's Rebuttal Disclosures Due :	11/29/2014
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	12/29/2014
Plaintiff's Trial Brief Due :	02/27/2015
Defendant 's Trial Brief and Plaintiff in the Counterclaim Due :	03/29/2015
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	04/28/2015
Reply Brief, if any, for Plaintiff in the Counterclaim	05/13/2015

Due :

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The parties have made significant progress on settlement since the last progress report. Specifically, Foodarama Incorporated recently provided MIP METRO Group Intellectual Property GmbH & Co. a written settlement agreement for their consideration and is awaiting feedback. The agreement is structured very differently from prior proposals as it is structured more like a coexistence agreement than an assignment and license back. Foodarama sent that agreement to MIP METRO on December 19, 2013. MIP METRO has not yet responded but is expected to respond soon. Because this new proposed settlement is fundamentally different than the terms being discussed previously and MIP METRO has not yet been able to provide any feedback, it is difficult to say whether any issues have actually resolved but the parties respectfully request that they be given additional time to work through the new proposed settlement to see if the matter can be resolved without the need for submitting it to the Board for decision.*

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/

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01/17/2014