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

Proceeding	91183799
Party	Plaintiff Pure Entertainment, LLC
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Submission	Motion to Consolidate
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Date	03/13/2009
Attachments	Stipulation to Consolidate and Extend Time.pdf (5 pages)(15128 bytes)

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

In the Matter of Trademark Registration No. 77/071,279
For the Mark BUTTER LOUNGE
Published in the Official Gazette on January 1, 2008

PURE ENTERTAINMENT, LLC,	:	
	:	
Petitioner,	:	Opposition No.: 91183799
	:	
v.	:	
	:	
BUTTER LICENSING, LLC,	:	
	:	
Respondent.	:	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
BOX TTAB
2900 Crystal Drive
P.O. Box 1451
Alexandria, VA 22313-1451

STIPULATED MOTION TO CONSOLIDATE
OPPOSITION NO. 91183799 AND CANCELLATION NO. 3380349, AND TO
RESCHEDULE CLOSING DATES FOR DISCOVERY AND TESTIMONY PERIODS

COMES NOW Opposer, Pure Entertainment, LLC, by and through its attorneys, and files this Stipulated Motion to Consolidate **Opposition No. 91183799** and **Cancellation No. 3380349**, and to Reschedule Closing Dates for Discovery and Testimony Periods, pursuant to Trademark Rules of Practice 37 C.F.R. Part 2, Sections 2.121(c) and (d), and in support thereof would show the following:

1. The Notice of Opposition designated as Opposition No. 91183799 (“Opposition Action”) was filed on April 28, 2008, and is currently pending before the Trademark Trial and

Appeal Board. The Petition to Cancel designated as Cancellation No. 3380349 (“Cancellation Action”) was filed on April 29, 2008, and is also currently pending before the Board.

2. The Opposition Action and the Cancellation Action involve identical parties—Pure Entertainment, LLC, and Butter Licensing, LLC—and identical counsel. They also involve substantially similar claims, defenses and issue, and currently share the same discovery and testimony periods. Because they further involve the adjudication of the same rights, the Opposition Action and the Cancellation Action share common questions of law and fact and should therefore be consolidated.

3. As established by the Board’s order mailed December 30, 2008 the current schedule for discovery and testimony periods in the Opposition Action and in the Cancellation Action is:

Expert Disclosures	3/14/09
Discovery Closes	4/13/09
Plaintiff’s Pretrial Disclosures	5/28/09
Plaintiff’s 30-day Trial Period Ends	7/12/09
Defendant’s Pretrial Disclosures	7/27/09
Defendant’s 30-day Trial Period Ends	9/10/09
Plaintiff’s Rebuttal Disclosures	9/25/09
Plaintiff’s 15-day Rebuttal Period Ends	10/25/09

4. Upon consolidation of the Opposition Action and the Cancellation Action, the parties request that the discovery and testimony periods be extended as follows:

Expert Disclosures	4/29/09
Discovery Closes	5/29/09
Plaintiff’s Pretrial Disclosures	7/13/09
Plaintiff’s 30-day Trial Period Ends	8/27/09
Defendant’s Pretrial Disclosures	9/11/09
Defendant’s 30-day Trial Period Ends	10/26/09
Plaintiff’s Rebuttal Disclosures	11/10/09
Plaintiff’s 15-day Rebuttal Period Ends	12/10/09

5. The parties have consented to the consolidation of the Opposition Action and the Cancellation Action, and the extension of deadlines, through the filing of this stipulated motion. Undersigned counsel for Pure Entertainment, LLC, specifically represents that counsel for Butter Licensing, LLC, has consented to consolidation and to the extension of deadlines, and has approved the proposed stipulated schedule.

6. Consolidation and the extension of deadlines are not sought for any improper purpose but rather to ensure consistency in the submissions in the two proceedings, accommodate the schedules of the parties and their counsel, and to save the parties and the Board from the duplication of efforts, time and expense. The parties are not aware of any prejudice or inconvenience that will be caused by consolidation or the extension of deadlines.

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WHEREFORE, Pure Entertainment LLC moves the Trademark Trial and Appeal Board by stipulation to consolidate the Opposition Action and the Cancellation Action, and to extend the discovery and testimony periods as indicated above.

THIS the 13th day of March, 2009.

Respectfully submitted,

PHELPS DUNBAR LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by United States mail, first class, postage prepaid, and by electronic mail, on the following counsel, this the 13th day of March, 2009:

Craig M. Spierer
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s/DEBRA M. BROWN/
Debra M. Brown