

ESTTA Tracking number: **ESTTA497412**

Filing date: **10/01/2012**

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

Proceeding.	91191449
Applicant	Plaintiff Angels Baseball LP, Atlanta National League Baseball Club, Inc., Athletics Investment Group LLC dba The Oakland Athletics Baseball Company, AZPB Limited Partnership and Houston McLane Company, Inc.
Other Party	Defendant Accor

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

The Close of Discovery is currently set to close on 11/01/2012. Angels Baseball LP, Atlanta National League Baseball Club, Inc., Athletics Investment Group LLC dba The Oakland Athletics Baseball Company, AZPB Limited Partnership and Houston McLane Company, Inc. requests that such date be extended for 60 days, or until 12/31/2012, 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 :	12/01/2012
Discovery Closes :	12/31/2012
Plaintiff's Pretrial Disclosures :	02/14/2013
Plaintiff's 30-day Trial Period Ends :	03/31/2013
Defendant's Pretrial Disclosures :	04/15/2013
Defendant's 30-day Trial Period Ends :	05/30/2013
Plaintiff's Rebuttal Disclosures :	06/14/2013
Plaintiff's 15-day Rebuttal Period Ends :	07/14/2013

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 60-day extension of deadlines in this relatively complicated matter to allow them to try to finalize the settlement of this matter, which involves multiple parties and their respective marks, and which would resolve this opposition and another pending opposition, or alternatively, to complete discovery. The agreement, which addresses the parties' use and registration of their respective marks, has been forwarded to Opposers' senior in-house counsel for review. Due to other pressing business obligations, Opposers' senior in-house counsel has not yet been able to address the limited outstanding issues, which relate to the parties' respective use of their marks and certain releases. The additional time is requested for Opposers' senior in-house counsel to provide her comments in connection with the revised draft agreement, for the parties to address any outstanding issues, and for the parties to try to finalize settlement or, alternatively, to complete discovery.*

Angels Baseball LP, Atlanta National League Baseball Club, Inc., Athletics Investment Group LLC dba The Oakland Athletics Baseball Company, AZPB Limited Partnership and Houston McLane Company, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Angels Baseball LP, Atlanta National League Baseball Club, Inc., Athletics Investment Group LLC dba The Oakland Athletics Baseball Company, AZPB Limited Partnership and Houston McLane Company, 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,

/Maryann E. Licciardi/

Maryann E. Licciardi

mel@cll.com, trademark@cll.com, jmn@cll.com

rsdonnell@vorys.com, iplaw@vorys.com

10/01/2012