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

Proceeding	91192547
Party	Plaintiff Couch/Braunsdorf Affinity, Inc.
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	Joshua S. Frick
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Signature	/Joshua S. Frick/
Date	02/13/2012
Attachments	2012-02-13 - Consented Motion for extension of discovery and trial dates.pdf (4 pages)(22954 bytes)

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

COUCH/BRAUNSDORF AFFINITY, INC.,	:		
	:	Opposition No.	91/192,547
Opposer,	:		
	:	Marks:	PERKSTREET &
v.	:		PERKSTREET
	:		FINANCIAL
Perkstreet Financial, Inc.	:		
	:	Ser. Nos.	77/673,497
Applicant.	:		77/673,499

**MOTION FOR AN EXTENSION OF
DISCOVERY AND TRIAL DATES WITH CONSENT**

Opposer, Couch/Braunsdorf Affinity, Inc., hereby moves the Board for a thirty (30) day extension of time for all the dates in this proceeding including all the discovery and trial dates. Sheryl Koval Garko, Esq., counsel for Applicant Perkstreet Financial, Inc. (“Applicant”), consented to this motion by email on February 13, 2012.

Since the parties last requested an extension of the remaining discovery and trial dates in this proceeding, the parties have continued their settlement discussions. Most recently, Opposer sent Applicant a draft settlement agreement on January 13, to which Applicant responded on February 2 with proposed changes. Subject to both parties’ reaching a complete resolution of this matter, the individual issues that have been resolved include:

- Agreement regarding use and non-use of Opposer’s and Applicant’s marks.
- Agreement regarding the ability to challenge the use/registration of each other’s marks.
- Dismissal of the opposition and counterclaims.

The primary remaining open issue is:

- Acceptable amendments to Applicant’s identification of services.

With regard to the delay in settlement discussions from August 1, 2011 until January 2012, in August 2011 counsel for both sides exchanged communications regarding the status of settlement discussions.

At some point between August 2011 and December 2011 Applicant changed its counsel. This necessitated further communications in December 2011 between Applicant's counsel and Opposer's counsel regarding the principal terms of settlement.

In December 2011 Opposer's counsel communicated with its client regarding a draft settlement agreement.

In January 2012 Opposer provided a draft settlement agreement to Applicant's new counsel.

In February 2012, Applicant's counsel responded with comments to the draft settlement agreement and the principal terms of settlement.

The parties anticipate finalizing settlement within the next 30 days assuming no major issues arise during the remaining negotiations. The current dates and requested dates are set forth below:

	Current Date	Requested Date
Discovery Closes	February 13, 2012	March 14, 2012
Plaintiff's Pretrial Disclosures	March 29, 2012	April 28, 2012
30-Day Testimony Period for Plaintiff's Testimony to Close	May 13, 2012	June 12, 2012
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	May 28, 2012	June 27, 2012
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	July 12, 2012	August 11, 2012
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due :	July 27, 2012	August 26, 2012
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff Ends:	September 10, 2012	October 10, 2012

	Current Date	Requested Date
Counterclaim Plaintiff's Rebuttal Disclosures Due:	September 25, 2012	October 25, 2012
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	October 25, 2012	November 24, 2012
Plaintiff's Trial Brief Due	December 24, 2012	January 23, 2013
Defendant's Trial Brief and Plaintiff in Counterclaim Due	January 23, 2013	February 22, 2013
Brief for Defendant in Counterclaim and Reply Brief, if any, for Plaintiff Due	February 22, 2013	March 24, 2013
Reply Brief, if any, for Plaintiff in the Counterclaim Due	March 9, 2013	April 8, 2013

Respectfully submitted,

Date: February 13, 2012

By: /Joshua S. Frick/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL DATES WITH CONSENT** was served on opposing counsel via e-mail on this 13th day of February, 2012 addressed as follows:

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/Joshua S. Frick/
