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Filing date: **11/02/2013**

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

Proceeding	91195628
Party	Plaintiff Marshfield Utilities
Correspondence Address	JOSEPH W BYRNE BOARDMAN SUHR CURRY & FIELD LLP ONE SOUTH PINCKNEY STREET, FOURTH FLOOR MADISON, WI 53703 UNITED STATES jbyrne@boardmanclark.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Joseph W. Byrne
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Signature	/Joseph W. Byrne/
Date	11/02/2013
Attachments	Motion10. Motion to Extension - As Filed 11-2-2013 (A1762016).pdf(52074 bytes )

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

In the Matter of Application Serial No.: 77/546,833  
Filed on: August 14, 2008  
For the Mark: POWERPAY! NEW ENGLAND  
Published in the Official Gazette on: January 12, 2010

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<b>MARSHFIELD UTILITIES</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No. 91195628</b>
	)	
<b>ENERGY CURTAILMENT SPECIALISTS, INC.</b>	)	
	)	
<b>Applicant.</b>	)	

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**MOTION FOR AN EXTENSION OF  
ANSWER OR DISCOVERY OR TRIAL PERIODS WITH CONSENT**

The discovery period in the above-captioned proceeding is currently set to close on November 4, 2013. Opposer Marshfield Utilities (hereinafter “Opposer”) hereby submits this motion on stipulated consent to extend such date by ninety (90) days, or until February 2, 2014, and that all subsequent dates be reset accordingly.

Pursuant to the Board's Order dated August 12, 2013, the parties were directed to submit a report accompanying any further suspension or extension requests that sets out the progress of their settlement negotiations.

As an initial matter, it should be noted that since the filing date of the last motion for an extension in this proceeding, Opposer has experienced a significant change in its upper management team including, among other things, the departure of its long-time General Manager (the equivalent of the President and/or Chief Executive Officer in any other organization). Additional time is therefore needed to allow Opposer's legal counsel to discuss the status of this proceeding and any potential settlement of this proceeding with Opposer's new upper management team.

Notwithstanding the recent changes in Opposer's upper management team, the parties continue to be involved in settlement negotiations relating to resolution of the open issues in this proceeding. In fact, as recently as November 1, 2013, Counsel for Opposer sent to Applicant's counsel, a proposal for reaching a possible settlement in this proceeding. The unresolved issues in the proposal involve (1) an amendment to the description of services contained in the opposed application, and (2) potential geographical restrictions on Applicant's use of the mark sought to be registered. Counsel for Applicant needs additional time to review and discuss this proposal with Applicant.

At this point in time, Counsel for each of the parties continue to believe that settlement of this proceeding can be reached during the ninety (90) day extension requested herein, but need additional time to complete negotiations on the remaining open issues, to confer with their respective clients, and to finalize a settlement agreement once resolution of the remaining issues are reached. The parties therefore request that the deadlines in this proceeding be extended as set forth below to allow for time to complete negotiations, confer with counsel and to negotiate and finalize a settlement agreement in this proceeding.

If the parties' negotiations fail for any reason, however, the parties request that the Board re-set the remaining dates in the proceeding as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	CLOSED
Expert Disclosures Due:	01/03/2014
Discovery Period to Close:	02/02/2014
Plaintiff's Pretrial Disclosures:	03/19/2014
Plaintiff's 30-day Trial Period Ends:	05/03/2014
Defendant's Pretrial Disclosures:	05/18/2014
Defendant's 30-day Trial Period Ends:	: 07/02/2014
Plaintiff's Rebuttal Disclosures:	07/17/2014
Plaintiff's 15-day Rebuttal Period Ends : :	08/16/2014

This motion is being filed by Opposer's counsel. Opposer has secured the express consent of Applicant for the extension and resetting of dates requested herein. A copy of this motion as filed is being served upon Applicant's counsel of record via e-mail as agreed upon between the parties.

Dated this 2nd day of November, 2013.

Marshfield Utilities

/Joseph W. Byrne/

Dated: November 2, 2013

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Joseph W. Byrne  
Attorney for Marshfield Utilities

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**CERTIFICATE OF SERVICE**

I hereby certify and declare under penalty of perjury that I served a true and correct copy of this document upon Attorney Darren Rimer, attorney for Energy Curtailment Specialists, Inc., by e-mail to darren@rimermath.com on the 2nd day of November, 2013.

Executed on: November 2, 2013

/Joseph W. Byrne/

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Joseph W. Byrne  
Attorney for Marshfield Utilities

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