

ESTTA Tracking number: **ESTTA658319**

Filing date: **02/26/2015**

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

Proceeding	91195628
Party	Plaintiff Marshfield Utilities
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	Joseph W. Byrne (Attorney of Record)
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Signature	/Joseph W. Byrne/
Date	02/26/2015
Attachments	Motion16. Motion to Extension - Final (A2110818).pdf(50211 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

MARSHFIELD UTILITIES)	
)	
Opposer,)	
)	
v.)	Opposition No. 91195628
)	
ENERGY CURTAILMENT SPECIALISTS, INC.)	
)	
Applicant.)	

**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 February 27, 2015. Opposer Marshfield Utilities (hereinafter “Opposer”) hereby submits this motion on stipulated consent to extend such date by ninety (90) days, or until May 28, 2015, 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.

The parties continue to be involved in settlement negotiations relating to resolution of the open issues in this proceeding. Counsel for Opposer has provided counsel for

Applicant with proposed terms to govern a possible settlement of this matter and counsel for each of the parties communicated with each other via telephone and/or e-mail on February 10, 2015, February 17, 2015, February 20, 2015, February 24, 2015 and on February 26, 2015 relating to settlement of this matter.

The unresolved issues in this proceeding involve an acceptable amendment to the description of services contained in the opposed application and a restriction on Applicant's future use of its mark. 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 still 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:	04/28/2015
Discovery Period to Close:	05/28/2015
Plaintiff's Pretrial Disclosures:	07/12/2015
Plaintiff's 30-day Trial Period Ends:	08/26/2015
Defendant's Pretrial Disclosures:	09/10/2015
Defendant's 30-day Trial Period Ends:	: 10/25/2015
Plaintiff's Rebuttal Disclosures:	11/09/2015
Plaintiff's 15-day Rebuttal Period Ends :	: 12/09/2015

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 26th day of February, 2015.

Marshfield Utilities

/Joseph W. Byrne/

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 and to darren@RimerMathewson.com on the 26th day of February, 2015.

Executed on: February 26, 2015

/Joseph W. Byrne/

Joseph W. Byrne
Attorney for Marshfield Utilities

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