

ESTTA Tracking number: **ESTTA647253**

Filing date: **12/29/2014**

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

Proceeding.	91209178
Applicant	Plaintiff Chicago Cubs Baseball Club, LLC and Washington Nationals Baseball Club, LLC
Other Party	Defendant Evolution Finance, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

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

The Close of Plaintiff's Trial Period is currently set to close on 03/11/2015. Chicago Cubs Baseball Club, LLC and Washington Nationals Baseball Club, LLC requests that such date be extended for 60 days, or until 05/10/2015, 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 :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	03/26/2015
Plaintiff's 30-day Trial Period Ends :	05/10/2015
Defendant's Pretrial Disclosures :	05/25/2015
Defendant's 30-day Trial Period Ends :	07/09/2015
Plaintiff's Rebuttal Disclosures :	07/24/2015
Plaintiff's 15-day Rebuttal Period Ends :	08/23/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Significant progress has been made towards a resolution of this matter. Since the institution of the proceedings the parties have had verbal and written settlement negotiations, and have prepared and exchanged multiple revisions to a draft settlement agreement. Specifically, since the parties last sought suspension of the proceeding, Opposer's in-house counsel reviewed Applicant's proposed changes to the draft settlement agreement. Thereafter, Opposer's in-house counsel sent its initial comments to Opposer's outside counsel, who reviewed such comments, revised the agreement accordingly, and relayed the revised agreement to Opposer's in-house counsel for further review. Opposer's in-house counsel reviewed the revised agreement, and sent its final comments to Opposer's outside counsel. Opposer's out-*

side counsel revised the agreement accordingly, and sent the revised agreement to Applicant's counsel for consideration. Applicant's counsel reviewed the agreement with Applicant, and sent Opposer's counsel its proposed revisions to the agreement. Thereafter, the parties' counsel discussed the open terms in the agreement. Opposer's outside counsel then revised the agreement according to the parties' settlement conference, and relayed the revised agreement to Opposer's in-house counsel for consideration. Opposer's in-house counsel then reviewed the latest draft of the agreement, and provided its comments to Opposer's outside counsel. Opposer's outside counsel revised the agreement accordingly, and sent the revised agreement to Applicant's counsel for consideration. Applicant's counsel reviewed the most recent draft of the agreement, and the parties' counsel held another settlement conference regarding the same. The parties thereafter exchanged two more drafts of the agreement, and are now discussing the only two open issues, which relate to the use and registration of the parties' respective marks. The additional time is requested to allow Applicant to consider the two open terms, and for the parties to continue to work towards settlement of this matter. If the agreement is accepted, this matter would be resolved without the need to proceed with the Opposition. The parties note that they are jointly committed to reaching an amicable resolution and have made significant progress. Additionally, the parties note that Opposer served Applicant with written discovery requests. The additional time is requested to allow Applicant to respond to discovery. The parties request that the proceeding be suspended pending disposition of this motion.

Chicago Cubs Baseball Club, LLC and Washington Nationals Baseball Club, LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Chicago Cubs Baseball Club, LLC and Washington Nationals Baseball Club, LLC 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,
/Lindsay Rodman/

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