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

Proceeding	91209226
Party	Defendant DISH Network L.L.C.
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Date	07/14/2016
Attachments	Second Joint Status Report.pdf(26137 bytes )

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

PREMIER SYSTEMS USA, INC.,	)	Opposition No.: 91209226 (Parent)
a California corporation,	)	Opposition No.: 91211213
Opposer/Counterclaim Registrant,	)	
	)	
v.	)	
	)	
DISH Network LLC	)	
A Colorado limited liability company,	)	
Applicant/Counterclaim Petitioner.	)	
_____	)	

**SECOND JOINT STATUS REPORT**

In response to the Board’s Order dated May 26, 2016, and pursuant to undersigned counsel for Applicant’s telephone call with the Paralegal Specialist on June 16, 2016, and counsel for Applicant’s subsequent telephone call with counsel for Opposer, the parties provide the following Second Joint Status Report to clarify the status of this matter including specifically the status of expert discovery, potential further expert designations, and resumption of fact discovery.

After the Board’s Order of June 2, 2015 denying summary judgment and granting leave to amend, the parties engaged in settlement discussions. Those discussions concluded in October 2015 without a settlement. The parties’ counsel then began discussions about a deposition of Applicant’s expert. On November 17, 2015, Opposer’s counsel stated that Opposer had changed counsel. On January 5, 2016, Applicant’s counsel contacted Opposer’s new counsel to discuss discovery. On February 1, 2016, the parties agreed that the deposition of Applicant’s expert would occur on March 17, 2016. On March 12, 2016, Opposer’s counsel postponed the deposition due to illness. Opposer’s new counsel, R. Todd Bates, made his formal appearance in

this matter on April 5, 2016. On April 6, 2016, the parties' counsel met and conferred via telephone to renew discussions regarding expert discovery and an appropriate timeline for the remaining fact discovery. During that call, Opposer's counsel informed Applicant's counsel that Opposer would likely seek leave to designate a rebuttal expert and Applicant's counsel responded that Applicant would likely oppose such a motion. With respect to expert discovery that has taken place to date, Opposer deposed Applicant's designated expert, Hal Poret, on April 28, 2016.

Opposer intends to request leave to designate a rebuttal expert and will file an appropriate motion on or before July 18, 2016. Applicant objects to Opposer's request to designate a rebuttal expert as untimely and will oppose that motion.

With respect to fact discovery, both Opposer and Applicant wish to complete fact discovery, which was open and not complete at the time this matter was suspended in December 2014. In order to complete fact discovery, the parties estimate they will require approximately four months. Applicant proposes that the fact discovery period be resumed now and that the Board reset the close of discovery, pretrial, and trial dates accordingly. Opposer proposes that the fact discovery period be resumed after it files its motion to designate a rebuttal expert, and if that motion is granted, then after discovery pertaining to the rebuttal expert is complete.

Dated: July 14, 2016

Respectfully submitted,

SWANSON & BRATSCHUN, LLC

s /ils/  
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Attorney for Opposer PREMIER SYSTEMS USA,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2016, a true and correct copy of the foregoing **SECOND JOINT STATUS REPORT** was served upon counsel via email to the addresses listed below and a courtesy copy is being deposited with the United States Postal Service, first-class postage prepaid, addressed as follows:

R. TODD BATES  
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          *s /Alla Meyer/*            
Alla Meyer