ESTTA Tracking number: **ESTTA648606**

Filing date: **01/07/2015**

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

Proceeding	91209386
Party	Plaintiff JEC II LLC and The One Group LLC
Correspondence Address	JONATHAN M DOLOFF PERGAMENT GILMAN & CEPEDA LLP 163 MADISON AVENUE, SUITE 110 MORRISTOWN, NJ 07960 UNITED STATES mgilman@gilmanpergament.com, jdoloff@gilmanpergament.com, lmac-queen@gilmanpergament.com
Submission	Motion to Reopen
Filer's Name	Michael R. Gilman
Filer's e-mail	mgilman@pgclawgroup.com
Signature	/Michael R. Gilman/
Date	01/07/2015
Attachments	Motion to Reopen and Ext Discovery.pdf(778506 bytes)

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

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JEC II LLC and THE ONE GROUP LLC	:	
Opposers/Petitioners	:	Opposition No. 91209386 (Parent Case)
v.	:	Cancellation No. 92056849 Cancellation No. 92057487
REALTY ONE GROUP, INC.	:	
Applicant/Respondent.	:	

----------X

MOTION TO REOPEN DISOVERY AND RESET DISCOVERY AND TRIAL DATES AND SUSPEND FOR TWO (2) MONTHS

Opposers/Petitioners, by and through their attorneys of record in the above-identified consolidated proceedings, herein move to reset the discovery and trial dates and then re-suspend these proceedings for an additional two (2) month period, so that the Parties' may complete their settlement discussions without loss of rights to either Party.

The Parties have been negotiating a settlement of these consolidated proceedings. A draft Settlement Agreement is currently circulating between the Parties. During the negotiations that ultimately resulted in the draft Settlement Agreement, the Parties had entered into a number of "gentlemen's agreements," agreeing to hold off on the expense of moving forward with discovery while these negotiations were progressing.

However, with the trial stage of these proceedings now upon Opposers/Petitioners, Opposers/Petitioners no longer wish to rely on the Parties' earlier gentlemen's agreements and are instead seeking approval of the Board to reset dates in these proceedings, as follows:

Expert Disclosures Due	February 23, 2015
Discovery Closes	March 23, 2015
Plaintiff's Pretrial Disclosures	May 4, 2015
Plaintiff's 30-day Trial Period Ends	June 15, 2015
Defendant's Pretrial Disclosures	June 29, 2015
Defendant's 30-day Trial Period Ends	August 10, 2015
Plaintiff's Rebuttal Disclosures	August 24, 2015
Plaintiff's 15-day Rebuttal Period Ends	September 23, 2015

Opposers/Petitioners have tried to gain Applicant/Respondent's stipulation to the requests herein, but have not yet received Applicant/Respondent's agreement to sign off on such a stipulation. Nevertheless, based upon earlier correspondence from Applicant/Respondent's counsel, Jonathan Hyman, Esq., it is Opposers/Petitioners' understanding that Applicant/Respondent consents to these reopened and revised dates. Attached hereto as Exhibit A is the above earlier correspondence between counsel for the Parties regarding the subjects of this Motion.

This extension is not meant to delay these proceedings, but instead to foster the Parties' ongoing settlement discussions.

Respectfully submitted,

PERGAMENT GILMAN & CEPEDA LLP
Attorneys for Opposers/Petitioners
163 Madison Ave., Suite 110
Morristown, NJ 07960
Phone (973) 998-7722
mgilman@pgclawgroup.com

By: _____
Michael R. Gilman

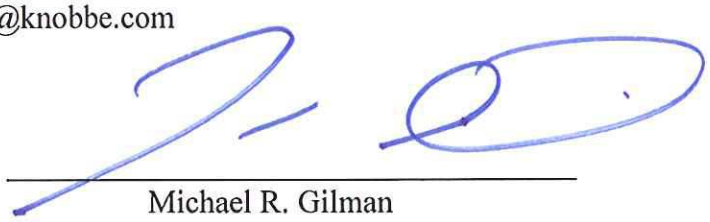
Dated: January 7, 2015

CERTIFICATE OF SERVICE

I, Michael R. Gilman, do hereby certify that a true and correct copy of the foregoing document, entitled "**MOTION TO REOPEN DISCOVERY AND RESET DISCOVERY AND TRIAL DATES AND SUSPEND FOR TWO (2) MONTHS**," was served on this 7th day of January, 2015, via First Class Mail, postage prepaid, on Applicant/Respondent's following attorney of record in these proceedings:

Jonathan A. Hyman, Esq.
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
Phone Number: (949) 788-8900
Email: efiling@knobbe.com

Dated: January 7, 2015



Michael R. Gilman

EXHIBIT "A"

Michael Gilman

From: Jonathan.Hyman <Jonathan.Hyman@knobbe.com>
Sent: Monday, December 15, 2014 10:07 PM
To: Michael Gilman
Cc: RELTY.009M.kmob@iwcs.kmob.com; Jennifer.Lee; Sonia Low
Subject: RE: JEC v. ROG - Consolidated Proceedings Under Opp. No. 91209386 - PGC Ref. No. 916-42

Mike:

Thank you for your email. That sounds good so long as we simultaneously request suspension.

Regards,
Jonathan

From: Michael Gilman [mailto:mgilman@gilmanpergament.com]
Sent: Monday, December 15, 2014 4:55 AM
To: Jonathan.Hyman
Cc: RELTY.009M.kmob@iwcs.kmob.com; Jennifer.Lee; Sonia Low
Subject: RE: JEC v. ROG - Consolidated Proceedings Under Opp. No. 91209386 - PGC Ref. No. 916-42
Importance: High

Jonathan,

We need to file a stipulation seeking to reopen and extend all dates from discovery forward. We propose resetting the close of discovery for 3/13/15. Please confirm and we will prepare the motion/stipulation for your review.

Also, please advise where we are with the draft settlement agreement.

Sincerely,

Mike Gilman | PERGAMENT GILMAN & CEPEDA LLP

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