

ESTTA Tracking number: **ESTTA651963**

Filing date: **01/23/2015**

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

Proceeding	91211686
Party	Defendant Talking Rain Beverage Company, Inc.
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Date	01/23/2015
Attachments	MOTION FOR EXTENSION OF TIME WITH CONSENT Opp 91211686.pdf(177184 bytes)

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

<p>COTT BEVERAGES INC.,</p> <p>Opposer,</p> <p>v.</p> <p>TALKING RAIN BEVERAGE COMPANY, INC.</p> <p>Applicant.</p>	<p>Opposition No.: 91211686</p> <p>MOTION FOR EXTENSION OF TIME WITH CONSENT</p> <p>Application Serial No.: 85/476,952</p>
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Pursuant to TBMP § 502.01 and the Paralegal Specialist's October 3, 2014 grant of the Defendant's Motion for Extension of Time to Answer, Defendant hereby files a subsequent 60-day Motion for Extension of Time with Consent that complies with the Paralegal Specialist's reporting requirements, which are detailed below.

Dates of the Parties' Communications

May 27, 2014 - The parties communicated via email to introduce new counsel for the Defendant and agree to a 60-day extension of time to answer.

July 23, 2014 - The parties communicated via email and telephone to agree to advise that no agreement had been reached and to agree to a 30-day extension of time to answer.

August 26, 2014 - The parties communicated via email to discuss that the Plaintiff is evaluated Defendant's settlement proposal and to agree to a 30-day extension of time to answer.

September 25, 2014 - The parties communicated via email to advise that Plaintiff preliminarily accepted the general terms of Defendant's settlement proposal, that a short agreement would need to be drafted, and to agree to a 30-day extension of time.

October 13, 2014 - The parties communicated via email to discuss terms of the settlement agreement.

October 24, 2014 - The parties communicated via telephone to discuss terms of the settlement agreement.

October 27, 2014 - The parties communicated via email to advise that no final agreement regard terms of the settlement agreement had been reached and to agree to a 30-day extension of time.

November 12, 2014 - The parties communicated via email regarding certain provisions of a settlement agreement.

November 14, 2014 - The parties again communicated via email regarding the same provisions of a settlement agreement.

December 9, 2014 - The parties communicated via email regarding the status of the settlement agreement.

December 18, 2014 - The parties communicated via email regarding the status of the settlement agreement.

January 7, 2015 - The parties communicated via email regarding the status of the settlement agreement.

January 21, 2015 - The parties communicated via email regarding the status of the settlement agreement.

January 23, 2015 - The petitioner provided a draft settlement agreement.

Remaining Issues

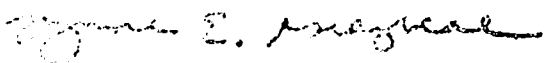
The applicant needs to review and approve the settlement agreement.

Timetable for Resolving Remaining Issues

The parties believe they will be able to resolve the remaining issues within an additional 60-day extension.

Proposed Deadlines

<u>Current Deadline</u>	<u>New Deadline</u>
Answer Due: 12/24/2014	Answer Due: 3/24/2015
Deadline for Discovery Conference: 1/23/2015	Deadline for Discovery Conference: 4/23/2015
Discovery Opens: 1/23/2015	Discovery Opens: 4/23/2015
Initial Disclosures Due: 2/22/2015	Initial Disclosures Due: 5/23/2015
Expert Disclosures Due: 6/22/2015	Expert Disclosures Due: 9/20/2015
Discovery Closes: 7/22/2015	Discovery Closes: 10/20/2015
Plaintiff's Pretrial Disclosures Due: 9/5/2015	Plaintiff's Pretrial Disclosures Due: 12/4/2015
Plaintiff's 30-Day Trial Period Ends: 10/20/2015	Plaintiff's 30-Day Trial Period Ends: 1/18/2016
Defendant's Pretrial Disclosures: 11/4/2015	Defendant's Pretrial Disclosures: 2/2/2016
Defendant's 30-Day Trial Period Ends: 12/19/2015	Defendant's 30-Day Trial Period Ends: 3/18/2016
Plaintiff's Rebuttal Disclosures: 1/3/2016	Plaintiff's Rebuttal Disclosures: 4/2/2016
Plaintiff's 15-Day Rebuttal Period Ends: 2/2/2016	Plaintiff's 15-Day Rebuttal Period Ends: 5/2/2016

<p>CERTIFICATE OF SERVICE</p> <p>I hereby certify that this MOTION FOR EXTENSION OF TIME WITH CONSENT is being deposited with the United States Postal Service with sufficient postage as first class mail on January 23, 2015 in an envelope addressed to Opposer's counsel:</p>	<p>By: </p> <p>Lynne E. Graybeal Partner Perkins Coie LLP 1201 Third Avenue, Suite 4900 Seattle, Washington 98101-3099 (206) 359-8000 Attorney for Applicant</p>
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Signature: 

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