

ESTTA Tracking number: **ESTTA721717**

Filing date: **01/20/2016**

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

Proceeding.	91219067
Applicant	Plaintiff New Jersey Turnpike Authority
Other Party	Defendant Jersey Boardwalk Franchising Co., 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 02/08/2016. New Jersey Turnpike Authority requests that such date be extended for 60 days, or until 04/08/2016, 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 :	02/23/2016
Plaintiff's 30-day Trial Period Ends :	04/08/2016
Defendant's Pretrial Disclosures :	04/23/2016
Defendant's 30-day Trial Period Ends :	06/07/2016
Plaintiff's Rebuttal Disclosures :	06/22/2016
Plaintiff's 15-day Rebuttal Period Ends :	07/22/2016

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *The parties hereby submit this consent order requesting an extension of the trial periods. Plaintiff/Opposer, New Jersey Turnpike Authority (hereinafter #Plaintiff#), notes for the record that it timely served its pretrial disclosures on counsel for Defendant/Applicant, Jersey Boardwalk Franchising Co., Inc. (hereinafter, #Defendant#) on December 22, 2015. Thereafter, Plaintiff timely served a Notice of Trial Testimony Deposition, via email and certified mail, on counsel for Defendant on January 7, 2016, noticing Plaintiff's trial testimony deposition for February 2 and 3, 2016. On January 20, 2016, less than two weeks before the trial testimony deposition was scheduled to begin and less than three weeks before the close of Plaintiff's trial period, counsel for Defendant contacted this office for the first time advising that it was unavailable on February 2 and 3 and, due to their #rather full# schedule, would be unable to participate in Plaintiff's trial testimony deposition until late February or early March - long after the close of Plaintiff's trial period. Plaintiff is ready and willing to proceed with its trial period as set by the Board's order of*

*September 1, 2015, but, as a professional courtesy, is willing to grant its consent to this extension in accordance with Defendant's request. However, if the Board has not ruled on this consent motion by Wednesday, January 27, 2016, Plaintiff intends to proceed with Plaintiff's trial testimony deposition as scheduled on February 2 and 3, 2016 in order to preserve its rights under the schedule as set on September 1, 2015. The Board is encouraged to contact counsel for Plaintiff should the Board have any questions or wish to discuss further.*

New Jersey Turnpike Authority has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

New Jersey Turnpike Authority 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,

/Ronald L. Israel/

Ronald L. Israel, Esq.

risrael@csglaw.com, ajremore@csglaw.com, pnussbaum@csglaw.com

scott@marksklein.com, justin@marksklein.com

01/20/2016