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Filing date: **08/24/2017**

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

Proceeding	91224984
Party	Plaintiff Real Estate One, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	08/24/2017
Attachments	91224984 Motion to Extend 082417.PDF(150338 bytes)

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

Real Estate One, Inc.,)	
Opposer,)	
)	Opposition No. 91224984
v.)	Serial No. 85/737288
)	Mark: REALTY ONE GROUP
Realty ONE Group, Inc.,)	
Applicant.)	

**CONSENTED MOTION TO EXTEND
DISCLOSURE, DISCOVERY AND TRIAL PERIODS**

Opposer, Real Estate One, Inc., respectfully requests that disclosure, discovery and trial periods be extended for a period of 60 (sixty) days in order to allow the parties additional time to pursue settlement in this matter. Jonathan Hyman, counsel for Applicant, consented to this motion to extend these time periods by e-mail on August 24, 2017.

Good cause exists since the parties continue to be actively engaged in negotiations for the settlement of this matter and require additional time to pursue settlement.

The Board has requested that the parties provide information on their settlement efforts to date and the parties respond as follows:

(1) The dates on which the parties have communicated since the last motion.

Since the last motion, the parties have been in communication and have had email exchanges and a telephone conference regarding this matter as outlined below.

Date	Communication
July 26, 2017	E-Mail Exchange
July 31, 2017	E-Mail Exchange
August 2, 2017	E-Mail Exchange
August 3, 2017	E-Mail Exchange
August 7, 2017	E-Mail Exchange

August 9, 2017	E-Mail Exchange
August 11, 2017	E-Mail Exchange
August 17, 2017	Telephone Conference

(2) The method of each communication (e.g., telephone, email, in-person, etc.).

The parties communicate via e-mail and telephone as outlined above.

(3) The general nature of each communication.

The general nature of the communications is to try to narrow the issues for settlement and establish a frame work for settlement and negotiate terms for settlement.

(4) A list of issues that have been resolved.

The scope of the proposed settlement discussions has expanded beyond issues involving the Board proceeding. As such the proposed settlement is complex and requires negotiation and balancing of the parties' rights and future use. While the parties have discussed settlement terms, there have been no major issues resolved. Nevertheless, the parties are hopeful an amicable resolution will be reached that will preserve the Board's resources.

(5) A list of issues that remain to be resolved or remain for trial.

The issues that remain to be resolved for settlement include the scope of any territorial restriction in use (if any); limitations/restrictions on each parties' use of their respective marks; and the scope of the applications/registrations at issue in the proceeding and any limitations thereof. Again, many of these issues are beyond the scope of the proceeding and involve future rights and are not easily negotiated or conceded. The parties are also still negotiating issues relating to jurisdiction, choice of law, the forum for resolving any future disputes, and the scope of termination of the agreement.

(6) A proposed timetable for resolution of the unresolved issues.

The parties believe that progress is being made towards resolving issues regarding settlement, and both parties expect resolution to be forthcoming.

The parties are currently preparing an agenda and finalizing the scheduling of a business-to-business telephone conference between the owners of Opposer and the Chief Operating Officer and two Vice Presidents of Applicant with the intent and purpose of further discussing and defining the nature, extent and structure of a settlement. The parties remain hopeful that after the business-to-business telephone conference, settlement can be reached.

Since this request is made for good cause and not made simply for purposes of delay, it is respectfully requested that trial dates be reset as indicated below:

Time to Answer	CLOSED
Deadline for Discovery Conference	CLOSED
Discovery Opens	CLOSED
Initial Disclosures Due	CLOSED
Expert Disclosures Due	10/23/17
Discovery Closes	11/22/17
Plaintiff's Pretrial Disclosures	01/06/18
Plaintiff's 30-Day Trial Period Ends	02/20/18
Defendant's Pretrial Disclosures.....	03/07/18
Defendant's 30-Day Trial Period Ends.....	04/21/18
Plaintiff's Rebuttal Disclosures	05/06/18
Plaintiff's 15-Day Rebuttal Period Ends	06/05/18
Plaintiff's Brief Due.....	08/04/18
Defendant's Brief Due	09/03/18

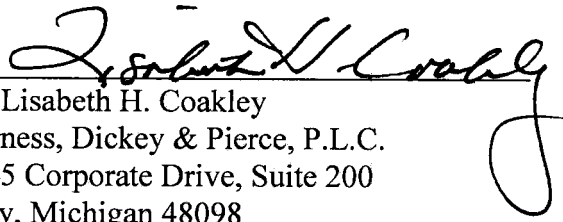
Plaintiff's Reply Brief Due (Optional)09/18/18

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

Opposer has provided an e-mail address herewith for themselves and for Applicant so that any order on this motion may be issued electronically by the Board.

Respectfully submitted,

Date: August 24, 2017

By: 
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Attorneys for Real Estate One, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Consented Motion to Extend Disclosure, Discovery and Trial Periods has been served on Jonathan Hyman, counsel for Applicant, Realty ONE Group, Inc., by forwarding said copy on August 24, 2017, via email to: Jonathan.Hyman@knobbe.com.



Timothy J. Comparoni