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Filing date: **06/22/2017**

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

Proceeding	91226393
Party	Plaintiff Major League Baseball Properties, Inc., The Phillies, San Francisco Baseball Associates LLC, Washington Nationals Baseball Club, LLC, Chicago White Sox, Ltd., The Cincinnati Reds LLC, Pittsburgh Associates, Los Angeles Dodgers LLC, and The Baseball C
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Submission	Stipulated/Consent Motion to Extend
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Signature	/Maryann E. Licciardi/
Date	06/22/2017
Attachments	Stadium Marks Finnigan - Motion to Extend 062217 - File Copy .pdf(23435 bytes)

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

In re Application Serial Nos.: 86/564,099; 86/559,877; 86/567,196; 86/562,759; 86/560,378;
86/564,096; 86/559,871; 86/560,361; 86/561,229; and 86/567,240
Filed: March 10, 2015; March 11, 2015; March 12, 2015; March 13, 2015 and March 17, 2015
For Marks: BAKER BOWL BROWN ALE; SHIBE PARK SUMMER ALE; CANDLESTICK
PARK CHILLY ALE; SEALS STADIUM STRONG ALE; GRIFFITH STADIUM GOLD ALE;
COMISKEY PARK CRIMSON ALE; CROSLY FIELD CREAM ALE; FORBES FIELD
FROSTY ALE; EBBETS FIELD AMBER ALE; and KINGDOME KEG TOP ALE
Published in the Official Gazette: August 11, 2015 and August 18, 2015

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MAJOR LEAGUE BASEBALL PROPERTIES,	:	
INC.; THE PHILLIES; SAN FRANCISCO	:	Opposition No. 91226393
BASEBALL ASSOCIATES LLC; WASHINGTON	:	
NATIONALS BASEBALL CLUB, LLC;	:	
CHICAGO WHITE SOX, LTD.; THE	:	
CINCINNATI REDS LLC; PITTSBURGH	:	
ASSOCIATES; LOS ANGELES DODGERS LLC;	:	
and THE BASEBALL CLUB OF SEATTLE, L.P.	:	
	:	
	:	
Opposers,	:	
	:	
v.	:	
	:	
KENNETH FINNIGAN,	:	
	:	
	:	
Applicant.	:	
-----X	:	

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION ON CONSENT TO EXTEND DEADLINES

The parties hereby move, on consent, by and through counsel, for an order extending
deadlines in the above-captioned consolidated proceeding for a period of sixty (60) days, as

follows:

Time to Answer :	08/23/2017
Deadline for Discovery Conference :	09/22/2017
Discovery Opens :	09/22/2017
Initial Disclosures Due :	10/22/2017
Expert Disclosures Due :	02/19/2018
Discovery Period to Close :	03/21/2018
Plaintiff Pretrial Disclosures :	05/05/2018
Plaintiff's 30-day Trial Period Ends :	06/19/2018
Defendant's Pretrial Disclosures :	07/04/2018
Defendant's 30-day Trial Period ends :	08/18/2018
Plaintiff's Rebuttal Disclosures :	09/02/2018
Plaintiff's 15-day Rebuttal Period Ends :	10/02/2018

This extension of deadlines in this consolidated opposition proceeding is requested in order to allow time for the parties to continue to work toward the resolution of this relatively complicated matter, which involves ten different parties and eleven different marks. Since the inception of the opposition proceeding, the parties have been communicating with one another regarding this matter, including regarding the various proposed terms of settlement that have been exchanged. Specifically, prior to the acceptance of the amendment of the notice of opposition in April 2016, Opposer had provided Applicant with a settlement proposal. After the acceptance of the amendment, Opposer's counsel and Applicant's counsel exchanged emails on April 28 and April 29, 2016, when Applicant was considering Opposer's initial proposal. Thereafter, the parties' counsel exchanged emails again on May 19 and 20, 2016, and Applicant's counsel called Opposer's counsel on May 20, 2016, regarding the status of Applicant's review of Opposer's proposal. The parties' counsel exchanged additional emails on June 2, 7, 9 and 28, 2016, discussing the need for another settlement call to discuss Opposer's settlement proposal.

On July 21, 2016, Applicant's counsel forwarded to Opposer's counsel a letter containing several alternative settlement proposals, addressing Applicant's use and registration of the many marks that are the subject of this consolidated opposition proceeding. On July 25, 2016, Opposer's outside counsel and Applicant's counsel held a telephone conference call, in order to discuss Opposer's original settlement proposal, as well as Applicant's alternative proposals. On August 3 and 4, 2016, Opposer's outside counsel discussed the matter covered by the call and, on August 4, 2016, Opposer's outside counsel forwarded an email to Opposer's in-house counsel, summarizing the outstanding issues relating to the use and registration of the Applicant's marks.

Opposer's in-house counsel then reviewed Applicant's several alternative settlement proposals, and discussed those proposals, and the matter generally, internally. To allow time for additional review and consideration of this complicated matter by Opposer's in-house counsel, the parties agreed to a further suspension of the opposition proceeding on December 8, 2017. During the suspension period, Opposer's outside counsel communicated by email with Opposer's in-house counsel on September 22, 2016, and then again, after its obligations were concluded with respect to the World Series championship games, on November 8, 2016. Further, on November 9, 2016, Opposer's outside counsel exchanged emails with Applicant's counsel regarding the status of review of the agreement. On December 7, 2016, Opposer's outside counsel again wrote to Opposer's in-house counsel regarding this matter, and also conferred with Applicant's counsel regarding the need for an additional suspension. Toward the end of December into the start of January, the offices of Opposer's in-house counsel were closed for the holidays.

On February 7 and 8, 2017, Opposer's outside counsel and Opposer's in-house counsel

discussed this matter at length over the phone and, on February 14, 2017, Opposer's outside counsel wrote to Applicant's counsel to set up a call to discuss Opposer's settlement feedback. On February 23, 2017, Applicant's counsel and Opposer's outside counsel held a settlement conference. The next day, on February 24, 2017, Opposer's outside counsel wrote to Opposer's in-house counsel regarding the call with Applicant's counsel, and regarding the outstanding issues. Following that call, during the month of March 2017, Opposer's in-house counsel continued to discuss possible resolutions of this matter. Further, Opposer's in-house counsel was away for part of this month. Thus, to allow time for Opposer to review and consider the alternative resolution, the parties agreed to a further suspension of the opposition proceeding at that time.

On March 15, 2017, Applicant's counsel wrote to Opposer's counsel with substantive feedback regarding the current settlement proposals that were being discussed, and Opposer's outside counsel discussed this feedback with Opposer's in-house counsel by email on April 4 and 6, 2017, and Opposer determined that it needed to research certain issues relating to the proposed terms of settlement. That research was performed by Opposer's outside counsel during the month of April, and then forwarded to Opposer's in-house counsel for review and consideration.

In light of the complicated nature of this matter and the desire for a global resolution, the additional time is requested for Opposer to complete its review of all of the settlement proposals that have been exchanged, as well as the legal research related thereto, and for the parties to continue to try to negotiate the resolution of this matter. The parties note that they are jointly committed to reaching an amicable resolution in a timely manner. If accepted by all parties, the agreement would resolve this matter without the need to proceed with the consolidated opposition. The parties further request that the proceeding be suspended pending disposition of

this motion, to avoid the passing of deadlines.

Dated: New York, New York
June 22, 2017

Respectfully submitted,

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