

ESTTA Tracking number: **ESTTA824669**

Filing date: **06/05/2017**

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

|  |                                       |
|--|---------------------------------------|
| Proceeding.  | 91232419                              |
| Applicant  | Defendant<br>Asmodus Inc.             |
| Other Party  | Plaintiff<br>Dr Pepper/Seven Up, 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 Discovery is currently set to close on 06/04/2017. Asmodus Inc. requests that such date be extended for 30 days, or until 07/04/2017, 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 :                   | 06/04/2017 |
| Discovery Closes :                        | 07/04/2017 |
| Plaintiff's Pretrial Disclosures :        | 08/18/2017 |
| Plaintiff's 30-day Trial Period Ends :    | 10/02/2017 |
| Defendant's Pretrial Disclosures :        | 10/17/2017 |
| Defendant's 30-day Trial Period Ends :    | 12/01/2017 |
| Plaintiff's Rebuttal Disclosures :        | 12/16/2017 |
| Plaintiff's 15-day Rebuttal Period Ends : | 01/15/2018 |

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

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

Asmodus Inc. 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 of record by Email on this date.

Respectfully submitted,  
/Theodore Lee/

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06/05/2017