

ESTTA Tracking number: **ESTTA826057**

Filing date: **06/09/2017**

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

Proceeding	91232419
Party	Defendant Asmodus Inc.
Correspondence Address	THEODORE LEE INHOUSE CO LAW FIRM 324 S DIAMOND BAR, #318 DIAMOND BAR, CA 91765 UNITED STATES theodore.s.lee@gmail.com, tlee@inhouseco.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Theodore Lee
Filer's e-mail	tlee@inhouseco.com
Signature	/Theodore Lee/
Date	06/09/2017
Attachments	Motion to Extend Discovery and Trial Periods and To Correct Dates with Consent F2275121x96B9E.pdf(34566 bytes) Motion to Extend Discovery and Trial Periods and To Correct Dates with Consent F2275121x96B9E_POS.pdf(26157 bytes)

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

In re: Application Serial No 87/024,647 and 87/024,711
Marks: CRUSH FRUITS and CRUSH FRUITS and Design
Filed: May 4, 2016

DR PEPPER/SEVEN UP, INC., <p style="text-align:center">OPPOSER,</p> v. ASMODUS INC., <p style="text-align:center">APPLICANT.</p>	Opposition No. 91232419
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**Motion to an Extension of Discovery and Trial Period
and to Correct Dates with Consent**

Applicant Asmodus, Inc. (“Asmodus”) previously submitted on June 5, 2016 a Stipulation for the Extension of Answer or Discovery or Trial Periods with Consent. In the June 5, 2016 Stipulation, the dates were erroneously changed such that all the scheduled date were moved forward, including the date of Close of Discover which was previously set for October 1, 2017 being changed to July 04, 2017. This was not the intent of the Parties.

Accordingly, Applicant Asmodus, Inc. and Opposer Dr Pepper/Seven Up, Inc. hereby stipulate, and request that such dates be reset as follows:

Time to Answer	CLOSED
Deadline for Discovery Conference	CLOSED
Discovery Opens	CLOSED
Initial Disclosures Due	CLOSED
Expert Disclosures Due	10/1/2017
Discovery Closes	11/1/2017
Plaintiff's Pretrial Disclosures Due	12/15/2017
Plaintiff's 30-day Trial Period Ends	1/30/2018
Defendant's Pretrial Disclosures Due	2/14/2018
Defendant's 30-day Trial Period Ends	3/28/2018

Plaintiff's Rebuttal Disclosures Due	4/15/2018
Plaintiff's 15-day Rebuttal Period Ends	5/14/2018
Defendant's Brief Due	7/13/2018
Plaintiff's Opening Brief Due	8/13/2018
Plaintiff's Reply Brief Due	8/28/2018

SO STIPULATED.

Dated: June 07, 2017

Respectfully submitted,

/Theodore Lee/
Theodore Lee

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Attorney for Opposer
Dr Pepper/Seven Up, Inc.

ORDER

The above stipulation is granted.
IT IS SO ORDERED.

Dated: _____

USPTO

CERTIFICATE OF SERVICE

Although the Attorneys for both parties met and conferred to draft and file this document, because I am the one effecting the filing in ESTTA, I certify that I served the foregoing document, **Motion to an Extension of Discovery and Trial Period and to Correct Dates with Consent**, on Opposer, Dr Pepper/Seven Up, Inc. through its Attorney Fross Zelnick Lehrman & Zissu, P.C., by forwarding said copy on June 8, 2017, via email:

Barbara A. Solomon
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/Theodore Lee/

Theodore Lee
Inhouse Co. Law Firm

Date: June 08, 2017