

ESTTA Tracking number: **ESTTA1029514**

Filing date: **01/17/2020**

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

Proceeding	91238589
Party	Plaintiff American Council on Exercise
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Submission	Stipulated/Consent Motion to Extend
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Date	01/17/2020
Attachments	2020-01-16-EJO-Stipulation to Extend Dates.pdf(86320 bytes)

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

In the matter of Trademark Application Ser. No. 87/064,536

Filed on June 08, 2016

Mark: MEDICAL EXERCISE TRAINERS

American Council On Exercise)	
)	
Opposer,)	
)	
vs.)	Opposition No. 91238589
)	
Health Care Fitness Integrations, LLC)	
)	
Applicant.)	
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**STIPULATION: (1) WITHDRAWING DECEMBER 31, 2019 MOTION TO
EXTEND, (2) SETTING A NEW SCHEDULE FOR COMPLETION OF
DISCOVERY AND A (3) SHORT SUSPENSION FOR SETTLEMENT
DISCUSSIONS**

On December 31, 2019, Opposer filed a MOTION TO EXTEND THE DISCOVERY CUTOFF, RELATED DATES AND THE DEADLINE FOR OPPOSER TO RESPOND TO APPLICANT’S OUTSTANDING DISCOVERY. Part of the reason for the motion was that Opposer was closed for the holidays and Opposer needed to secure new counsel.

The undersigned counsel for Opposer was contacted and entered an appearance a few days later, on January 3, 2020. New counsel was also able to amend the Notice of Opposition (in accordance with the Board’s order of December 19, 2019), and supplement its initial disclosures in view of the amended Notice of Opposition. In addition, Opposer has agreed to serve responses/objections to the outstanding discovery from Applicant by January 17, 2020, instead of the deadline date of January 21, 2020.

Applicant shall serve its responses/objections to Opposer's discovery served on January 4, 2020, by February 28, 2020.

Applicant's counsel has represented that the depositions of Phillip Godfrey and Don Alley scheduled for January 31, 2020 and February 3, 2020 are inconvenient for the witnesses and Opposer has agreed to reschedule them during March 2020.

In view of settlement discussions, Opposer's counsel is also willing to reschedule the depositions of Nick Brown and Mike Jones, currently scheduled for January 27 – 28, 2020 to dates in March 2020. However, these are witnesses on Applicant's Initial Disclosure list and were subpoenaed by Opposer. It shall be the responsibility of Applicant to obtain a written agreement from these third-party witnesses to rescheduled dates which also fit into Opposer's counsel's schedule.

The parties desire to spend the remaining part of January and the month of February to engage in settlement negotiations. As such, other than the outstanding written discovery, and the depositions of Nick Brown and Mike Jones if rescheduled dates are not agreed upon, proceedings shall otherwise be suspended through February 28, 2020.

Other than the foregoing, discovery shall be closed. All dates after the discovery close, starting with "Plaintiff's pre-trial disclosures" shall be rescheduled to be due two months later (one month for the suspension for settlement and one month for completion of the already noticed depositions); namely on May 19, 2020.

In view of the foregoing, and subject to the TTAB's approval of this stipulation, Opposer no longer needs the extensions requested in its December 31, 2019 motion and hereby withdraws such motion.

Dated: January 17, 2020

Respectfully submitted,

AMERICAN COUNCIL ON EXERCISE

By: /s/ Neil D. Greenstein
Neil D. Greenstein
Attorney for Opposer

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