

ESTTA Tracking number: **ESTTA491690**

Filing date: **08/29/2012**

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

Proceeding	92053605
Party	Plaintiff SLG Productions, Inc.
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Submission	Stipulated/Consent Motion to Reopen
Filer's Name	Suzanne Hengl
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Signature	/Suzanne Hengl/
Date	08/29/2012
Attachments	Motion to reopen.pdf ( 4 pages )(87768 bytes )



30-day Trial and Rebuttal Testimony Period for Plaintiff/Counterclaim Defendant Ends	:	April 13, 2013
Counterclaim Plaintiff's Rebuttal Disclosures	:	April 28, 2013
Counterclaim Plaintiff's 15-day Rebuttal Period Ends	:	May 28, 2013
Plaintiff's Trial Brief	:	July 27, 2013
Defendant's/Counterclaim Plaintiff's Brief	:	August 26, 2013
Plaintiff's Reply and Counterclaim Defendant's Brief	:	September 25, 2013
Counterclaim Plaintiff's Brief	:	October 10, 2013

This extension of time is requested because the parties were unable to complete discovery during the assigned period. In assessing whether the parties' failure to act in the proscribed time is excusable, the Board takes into account all relevant circumstances surrounding the parties' delay, including (1) the danger of prejudice to the nonmoving party, (2) the length of the delay and its potential impact on judicial proceedings, (3) the reason for the delay, including whether it was within the reasonable control of the movant, and (4) whether the movant acted in good faith. TBMP § 509.01(b)(1); *Pumpkin Ltd. v. The Seed Corps*, 43 U.S.P.Q.2d 1582, 1586 (T.T.A.B. 1997). "Ordinarily, a consented motion to extend or reopen will be granted by the Board." TBMP § 509.02.

Here, the parties timely served discovery requests and objections and responses thereto. Documents were produced by both parties in response to those discovery requests. While the parties believe that discovery is nearly complete and that the majority of responsive, nonprivileged information has been produced, the parties require a minimal amount of additional time to cure any lingering deficiencies and to ensure that each has fully complied with its


discovery obligations. There is no danger of prejudice to either party, as this motion to reopen is requested jointly. Moreover, this motion is made in good faith and without any intention of causing a delay in this proceeding, and the brief extension requested should not adversely impact these proceedings.

WHEREFORE, for the reasons stated and the good cause shown herein, Petitioner, by its counsel and with Respondent's consent, respectfully requests that discovery be reopened and that the deadlines for discovery and trial dates be extended and reset in accordance with the above schedule.

Respectfully submitted,

BAKER BOTTS L.L.P.

Date: August 29, 2012

By:   
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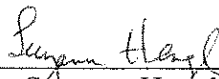
Attorneys for Petitioner  
*SLG PRODUCTIONS, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, a true and accurate copy of the foregoing MOTION ON CONSENT TO REOPEN DISCOVERY AND EXTEND DISCOVERY AND TRIAL DATES was served on counsel of record for Respondent, Kabushiki Kaisha Asabiraki, via first class mail, in an envelope addressed to:

Robert W. Adams, Esq.  
Nixon & Vanderhye PC  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808

Dated: August 29, 2012

  
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Suzanne Herigl