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Filing date: **11/24/2014**

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

Proceeding	92055184
Party	Plaintiff Johnson & Johnson and RoC International s.a.r.l.
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Date	11/24/2014
Attachments	9 IX ROCAWEAR-60-day request EOT.pdf(134590 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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JOHNSON & JOHNSON,	:	
	:	
Plaintiff,	:	Cancellation No. 92055184
	:	
v.	:	Serial No.: 77/354,742
	:	
STUDIO IP HOLDINGS, LLC,	:	Mark: 9 IX ROCA RW WEAR
	:	
Defendant.	:	
_____	x	

CONSENTED REQUEST FOR 60-DAY EXTENSION

Johnson & Johnson requests on behalf of both parties in the above-referenced proceeding that all deadlines in this proceeding be extended for 60 days (starting with the deadline to Answer), in order to facilitate their ongoing settlement discussions. Both Plaintiff and Defendant's counsel have maintained close communication over the past several months in order to advance the settlement discussions. The parties have recently exchanged a settlement draft, on October 22, 2014, and are optimistic that this proceeding will be settled agreeably in the near future. For all of the reasons discussed below, this extension is warranted in accordance with the Trademark Trial and Appeal Board Manual of Procedure (TBMP).

At this point, the majority of open issues have been resolved, and the parties remain optimistic for an amicable result. The settlement discussions to date, particularly over the last two months, have been highly productive, and only a few issues remain pending. The parties are optimistic that the next 60 days will provide enough time to discuss any remaining matters. As the matter is hopefully nearing a resolution, the parties believe that the likelihood of resolving this matter will also be optimized if the parties devote their attention to settlement negotiations and not engage in costly and time-consuming discovery and pleadings. For these reasons, this 60-day extension of all deadlines is also in the interests of judicial economy.

In sum, the parties agree that good cause exists for this extension request to be granted in accordance with TBMP § 509.01(a). As this is a consented extension request, agreed upon by both parties, neither party will be prejudiced and the parties agree there is not a danger of an inability to litigate these cases. Further, as noted, the progress of negotiations has been highly encouraging, and the parties respectfully submit that the requested extension is warranted and relatively short. Both parties are confident that this extension is sought in good faith and that this motion is not made for the purpose of delay. The parties agree that in the unlikely event that these matters are not amicably resolved, discovery will begin expeditiously and without any delay.

Status Update Regarding Parties' Settlement Negotiations

Both parties are currently working very hard at attempting to resolve the remaining issues and hope to facilitate an agreement which leads to a lasting co-existence. In furtherance of that objective, the parties have exchanged a number of settlement drafts and discussed creative proposals to benefit both parties. On October 22, 2014, Plaintiff sent Defendant a revised settlement draft incorporating many of Defendant's comments and harmonizing many of the open issues. Defendant is currently reviewing this draft and hopes to get back to Plaintiff in the coming weeks. Given the current status of the settlement draft, both parties are confident this matter is reaching a resolution.

Firm Timetable for Resolution

In response to the Board's request for a firm timetable for resolution, the parties are endeavoring to agreeably resolve this matter in the upcoming 60 days. Although the parties must reserve the right to seek a further extension of the deadlines in these proceedings, the parties agree to make best efforts to resolve this matter so that a further extension is not necessary.

Conclusion

In summary, the parties' settlement negotiations have resulted in significant, meaningful progress, and the parties continue in good faith to use their best efforts to reach a final, meaningful resolution. Therefore, the 60-day extension is not only warranted, but this extension also makes the most sense in light of the significant possibility that this case will be amicably resolved in the near future so that discovery and testimony will be unnecessary. The parties aim to reach a resolution and have been working hard to reach agreement, and for all of the reasons discussed herein, the parties respectfully request a 60-day extension of all deadlines, starting with the Defendant's deadline to answer.

Respectfully submitted,

Dated: November 24, 2014

DRINKER BIDDLE & REATH LLP

/Mita K. Lakhia/

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Johnson & Johnson

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Consented Request for 60 Day Extension was served on Applicant via electronic mail to tremaklus@whe-law.com.

/Mita K. Lakhia/

Date: November 24, 2014

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