

ESTTA Tracking number: **ESTTA901543**

Filing date: **06/06/2018**

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

| | |
|------------------------|--|
| Proceeding | 92067273 |
| Party | Defendant Boston BioPharm, Inc. |
| Correspondence Address | ANDREW D PRICE VENABLE PO BOX 34385 WASHINGTON, DC 20043-4385 UNITED STATES Email: csmitros@venable.com, adprice@venable.com, trademarkdocket@venable.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Sean T. Phelan |
| Filer's email | stphelan@venable.com, adprice@venable.com, csmitros@venable.com, trademarkdocket@venable.com |
| Signature | /Sean T. Phelan/ |
| Date | 06/06/2018 |
| Attachments | 2018-06-06 - Opposition No. 92067273 - Amended Consent Motion to Suspend.pdf(8115 bytes) |

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

| | | |
|-----------------------|---|----------------------------------|
| DOLCAS BIOTECH, LLC |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Cancellation No. 92067273 |
| |) | Registration No. 5209646 |
| BOSTON BIOPHARM, INC. |) | BIOCURC |
| |) | |
| |) | |
| Registrant. |) | |
| |) | |

Attorney's Reference: 128390-423921

AMENDED CONSENT MOTION TO SUSPEND

Registrant respectfully requests that the Board amend the consent motion to suspend filed on June 6, 2018 and subsequent Order granting the suspension. As a result of the June 6, 2018 filing, the ESTTA on-line filing system automatically generated dates indicating "Initial Disclosures Due" as "CLOSED." This was not the parties' intention. The dates the parties intended are as follows:

- Time to Answer: CLOSED**
- Deadline for Discovery Conference: CLOSED**
- Discovery opens: CLOSED**
- Initial Disclosures due: 7/29/2018**
- Plaintiff's Responses to Defendant's Discovery Requests due: 7/31/2018**
- Expert Disclosures due: 11/26/2018**
- Discovery Period to Close: 12/26/2018**
- Plaintiff Pretrial Disclosures: 2/9/2019**
- Plaintiff's 30-day Trial Period Ends: 3/26/2019**
- Defendant/Counterclaim Plaintiff's Pretrial Disclosures: 4/10/2019**
- 30-Trial Period for Defendant and Plaintiff in Counterclaim: 5/25/2019**
- Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due: 6/9/2019**
- 30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff Ends: 7/24/2019**
- Counterclaim Plaintiff's Rebuttal Disclosures Due: 8/8/2019**
- 15-day Rebuttal Period for Counterclaim Plaintiff Ends: 9/7/2019**
- Plaintiff's Trial Brief Due: 11/6/2019**
- Defendant's Trial Brief and Plaintiff in the Counterclaim Due: 12/6/2019**

Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due:
1/5/2020
Reply Brief, if any, for Plaintiff in the Counterclaim Due: 1/20/2020
Request for Oral Hearing (optional) Due: 1/30/2020

Respectfully submitted,

Dated: June 6, 2018

/Sean T. Phelan/
Andrew D. Price
Sean T. Phelan
Catherine Mitros
VENABLE
P.O. Box 34385
Washington, D.C. 20043-4385
Telephone: (202) 344-8156
Telefax: (202) 344-8300
Attorneys for Registrant

CERTIFICATE OF SERVICE

The undersigned, attorney for Registrant, hereby certifies that he served by e-mail a copy of
the AMENDED CONSENT MOTION TO SUSPEND upon

Thomas M. Galgano
GALGANO IP LAW PLLC
20 W. Park Avenue, Suite 204
Long Beach, NY 11561
UNITED STATES
office@galganoiplaw.com
cagalgano@galganoiplaw.com
jgmcdonald@galganoiplaw.com

this 6th day of June, 2018.

/Sean T. Phelan/

Andrew D. Price
Sean T. Phelan
Catherine Mitros
VENABLE
P.O. Box 34385
Washington, D.C. 20043-4385
Telephone: (202) 344-4227
Telefax: (202) 344-8300
Attorneys for Registrant