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Filing date: **08/13/2021**

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

Proceeding	92073643
Party	Defendant ClinicalMind, LLC
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Submission	Stipulated/Consent Motion to Extend
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Signature	/Deborah M. Lodge/
Date	08/13/2021
Attachments	08-13-21 - Consented Motion to Extend Deadlines For Settlement Discussions.pdf(56416 bytes)

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

Engage Health, Inc.,
Plaintiff,

v.

ClinicalMind, LLC,
Defendant.

Cancellation No. 92073643

Consented Motion to Extend Deadlines For Settlement Discussions

Plaintiff Engage Health, Inc. (“Plaintiff” or “ENGAGE”) and Defendant ClinicalMind, LLC (“Defendant” or “CLINICALMIND”) are working to settle this Cancellation. With the consent of Plaintiff and on behalf of the parties, CLINICALMIND respectfully requests that the proceeding deadlines in this case be extended by thirty days (as set out below) to afford the parties the opportunity to complete settlement and fully execute a written settlement agreement. There is no motion currently pending and no other motion is being filed concurrent with this consent motion.

Per the Board’s July 20, 2021 Order, the parties hereby provide a report on the progress of the parties’ settlement efforts.

Since the last update submitted on July 16, 2021, the parties have continued negotiating specific settlement language. On July 16, 2021, Defendant’s attorney sent opposing counsel further comments on revised draft settlement agreement. Plaintiff’s counsel reviewed the same and provided opposing counsel with comments on August 12, 2021. Defendant’s counsel made a preliminary response to those comments but additional review and revisions are necessary. The parties thus are continuing settlement discussions diligently and are hopeful that terms of an agreement will be finalized within the next 30 days.

Based on the foregoing, the parties respectfully submit that good cause exists for the Board to grant the requested extension of the proceeding deadlines. Accordingly, the parties therefore respectfully request that the Board extend by thirty days and reset the proceeding deadlines as follows:

	Current Schedule	Proposed Schedule
Time to Answer	08/15/2021	09/14/2021
Deadline for Discovery Conference	09/14/2021	10/14/2021
Discovery Opens	09/14/2021	10/14/2021
Initial Disclosures Due	10/14/2021	11/13/2021
Expert Disclosures Due	02/11/2022	03/13/2022
Discovery Closes	03/13/2022	04/12/2022
Plaintiff's Pretrial Disclosures Due	04/27/2022	05/27/2022
Plaintiff's 30-day Trial Period Ends	06/11/2022	07/11/2022
Defendant's Pretrial Disclosures Due	06/26/2022	07/26/2022
Defendant's 30-day Trial Period Ends	08/10/2022	09/09/2022
Plaintiff's Rebuttal Disclosures Due	08/25/2022	09/24/2022
Plaintiff's 15-day Rebuttal Period Ends	09/24/2022	10/24/2022
Plaintiff's Opening Brief Due	11/23/2022	12/23/2022
Defendant's Brief Due	12/23/2022	01/22/2023
Plaintiff's Reply Brief Due	01/07/2023	02/06/2023
Request for Oral Hearing (optional) Due	01/17/2023	02/16/2023

As shown above, this extension request is not filed for the purposes of delay. The parties are working on settlement and submit that extending proceeding deadlines will save resources for the Board and for the parties.

Date: August 13, 2021

Respectfully Submitted,

By: / Deborah M. Lodge/

Deborah M. Lodge
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Attorney for Defendant
CLINICALMIND, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **CONSENTED MOTION TO EXTEND DEADLINES FOR SETTLEMENT DISCUSSIONS** has been served on Plaintiff Engage Health, Inc., by email correspondence, addressed to Plaintiff as follows:

Stephen R Baird
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this 13th Day of August 2021.

By: / Deborah M. Lodge /
Deborah M. Lodge