

ESTTA Tracking number: **ESTTA26228**

Filing date: **02/17/2005**

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

|                    |   |
|--------------------|---|
| <b>Proceeding.</b> | 91161939  |
| <b>Applicant</b>   | Plaintiff<br>LUBERSKI, INC<br>,   |
| <b>Other Party</b> | Defendant<br>Chiquita Brands, Inc.<br>Chiquita Brands, Inc.<br>2500 Chiquita Center 250 East Fifth Stre<br>Cincinnati, OH 45202 |

### **Motion for an Extension of Discovery or Trial Periods With Consent**

The Close of Discovery is currently set to close on 03/21/2005. LUBERSKI, INC requests that such date be extended for 60 days, or until 05/20/2005, and that all subsequent dates be reset accordingly. The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

LUBERSKI, INC has secured the express consent of all other parties to this proceeding for the extension requested herein.

LUBERSKI, INC has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Stephen J. Strauss/

Stephen J. Strauss

sstrauss@fulpat.com

michael.johns@dinslaw.com, lynda.roesch@dinslaw.com

02/17/2005