

ESTTA Tracking number: **ESTTA95632**

Filing date: **08/22/2006**

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

|                           |   |
|---------------------------|---|
| Proceeding                | 91167151  |
| Party                     | Plaintiff<br>Flowers Bakeries Brands, Inc.  |
| Correspondence<br>Address | Olivia Maria Baratta<br>KILPATRICK STOCKTON LLP<br>1100 Peachtree Street<br>Atlanta, GA 30309-4530<br><br>mbaratta@kilpatrickstockton.com |
| Submission                | Stipulated/Consent Motion to Extend   |
| Filer's Name              | Olivia Maria Baratta  |
| Filer's e-mail            | mbaratta@kilpatrickstockton.com   |
| Signature                 | /Maria Baratta/   |
| Date                      | 08/22/2006  |
| Attachments               | Flowers IMA second stipulated motion.pdf ( 2 pages )(10260 bytes )  |

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|                       |   |                               |
|-----------------------|---|-------------------------------|
| FLOWERS BAKERIES      | ) |                               |
| BRANDS, INC.,         | ) | Opposition No. 91167151       |
|                       | ) |                               |
| Opposer,              | ) |                               |
|                       | ) |                               |
| v.                    | ) | In the Matter of Application  |
|                       | ) | Serial No. 78/432642          |
|                       | ) | Mark: COBBLESTONE MARKET      |
| INDEPENDENT MARKETING | ) |                               |
| ALLIANCE LP,          | ) |                               |
|                       | ) |                               |
| Applicant.            | ) | Filing Date: December 6, 2005 |
|                       | ) | Published: September 20, 2005 |

STIPULATED MOTION TO EXTEND DISCOVERY

Opposer Flowers Bakeries Brands, Inc. and Applicant Independent Marketing Alliance LP respectfully move the Board to grant a two-month extension of the discovery period and reschedule the trial dates accordingly. The parties currently are negotiating and are engaged in continuing discovery, and believe that this extension will increase the likelihood that the parties will settle the dispute, thereby conserving the resources not only of the parties but of the Board.

The parties hereby propose the following rescheduled trial dates:

|  |                    |
|--|--------------------|
| Discovery period to close:   | September 12, 2006 |
| 30-day testimony period for party in position of plaintiff to close: | December 11, 2006  |
| 30-day testimony period for party in position of defendant to close: | February 9, 2006   |
| 15-day rebuttal testimony period for plaintiff to close:             | March 26, 2007     |

Applicant's counsel Martyn B. Hill consented to this extension on August 21, 2006.

This 22nd day of August, 2006.

Respectfully submitted,

KILPATRICK STOCKTON LLP  
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/Maria Baratta/  
Theodore H. Davis, Jr.  
Olivia Maria Baratta  
  
Attorneys for Opposer

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CERTIFICATE OF SERVICE

This is to certify that on this date, the foregoing STIPULATED MOTION TO EXTEND DISCOVERY was served upon Applicant by depositing a copy thereof in the United States mail as first class mail, postage pre-paid, addressed as follows:

Martyn B. Hill, Esq.  
Pagel, Davis & Hill, P.C.  
1415 Louisiana, 22nd Floor  
Houston, Texas 77002

This the 22nd day of August, 2006.

/Maria Baratta/  
Olivia Maria Baratta