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

Proceeding	91171281
Party	Defendant Jarrow Formulas, Inc.
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Submission	Stipulated/Consent Motion to Extend
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

POMWONDERFUL, LLC	)	
	)	Consolidated Opposition No.: 91171281
Opposer,	)	
	)	
vs.	)	Marks: POMAMAZING (78/751,860)
	)	POMEGREAT (78/635,298)
JARROW FORMULAS, INC.	)	POMESYNERGY (78/727,050)
	)	POMGUARD (78/829,128)
Applicant.	)	POMOPTIMIZER (78/829,152)
_____	)	POMEZOTIC (77/294,016)

**REPORT ON PROGRESS OF SETTLEMENT DISCUSSIONS**  
**AND STIPULATED MOTION FOR EXTENSION OF PRETRIAL DEADLINES**

Sir:

With the Board's approval, Applicant, Jarrow Formulas, Inc., through its counsel, and Opposer, PomWonderful, LLC, through its counsel, jointly move for extension of discovery and testimony periods in the above-identified matter for a further period of sixty (60) days.

The current deadline for the discovery period to close is May 14, 2009, as set forth in the Board's Order dated August 13, 2008 [Dkt. # 25]. The Parties respectfully request that the pretrial deadlines be reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	July 13, 2009
30-day testimony period for plaintiff in the opposition to close:	October 11, 2009
30-day testimony period for defendant in the opposition to close:	December 10, 2009
15-day rebuttal testimony period to close:	January 24, 2010

The parties have been and continue to be engaged in good faith settlement discussions. The parties have exchanged written settlement proposals that would resolve the opposition in its entirety. Jarrow Formulas awaits a substantive response to its most recent settlement counterproposal.

The parties hope to either resolve the consolidated opposition or move forward with discovery and trial on the merits within the next 30 days.

Responses to the discovery requests served by Jarrow Formulas' on November 9, 2006 remain outstanding. In case the parties are unable to resolve the matter, Jarrow Formulas has requested that PomWonderful respond to those discovery requests by May 29, 2009.

In order to allow further time for the parties to respond to outstanding discovery requests and otherwise to complete discovery in the event that they are unable to come to agreement, the parties request that the close of discovery and remaining trial deadlines be extended by 60 days, to the deadlines indicated above.

This stipulated motion is made in good faith and not for purposes of delay.

Respectfully submitted,

Date: May 12, 2009

By   
Mark D. Giarratana  
Elizabeth M. Swift  
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Date: May 12, 2009

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing REPORT ON PROGRESS OF SETTLEMENT DISCUSSIONS AND STIPULATED MOTION FOR EXTENSION OF PRETRIAL DEADLINES is being furnished by electronic mail on the 12<sup>th</sup> day of May, 2009, to the following counsel of record for the Opposer:

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