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Filing date: **09/16/2009**

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

Proceeding	91171281
Party	Defendant Jarrow Formulas, Inc.
Correspondence Address	MARK D. GIARRATANA, ESQ. MCCARTER & ENGLISH, LLP 185 ASYLUM STREET, CITYPLACE I HARTFORD, CT 06103-3495 UNITED STATES jwhitney@mccarter.com, mgiarratana@mccarter.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Elizabeth M. Swift, Esq.
Filer's e-mail	eswift@mccarter.com, jwhitney@mccarter.com, mgiarratana@mccarter.com
Signature	/elizabeth m swift/
Date	09/16/2009
Attachments	POM 9-16-09 report and stipulated motion.pdf ( 3 pages )(80909 bytes )

**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 with the agreement of Opposer PomWonderful, LLC, moves for a stipulated 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 October 11, 2009, as set forth in the Board's Order dated July 23, 2009. The parties respectfully request that the pretrial deadlines be reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	December 10, 2009
30-day testimony period for plaintiff in the opposition to close:	March 10, 2010
30-day testimony period for defendant in the opposition to close:	May 9, 2010
15-day rebuttal testimony period to close:	June 23, 2010

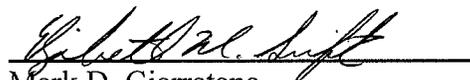
The parties have been and continue to be engaged in good faith settlement discussions. Counsel for the parties have exchanged written settlement proposals, and have most recently orally discussed additional specific terms of settlement. Counsel have agreed to speak with their respective clients before the end of this month concerning the most recently discussed terms, and to further engage in discussions amongst counsel in the beginning of October following client discussions, in effort to reach agreement in principal with respect to major terms of settlement in the month of October.

Applicant Jarrow Formulas, Inc., avers that both parties have agreed to this stipulated motion. This stipulated motion is made in good faith and not for purposes of delay.

Respectfully submitted, this 16<sup>th</sup> day of September, 2009.

MCCARTHER & ENGLISH, LLP

By:



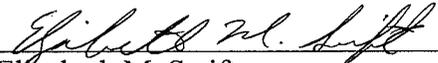
Mark D. Giarratana  
Elizabeth M. Swift  
CityPlace I  
185 Asylum Street  
Hartford, CT 06103-3495

*Attorneys for Applicant,  
Jarrow Formulas, Inc.*

**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 16<sup>th</sup> day of September, 2009, to the following counsel for the Opposer:

Danielle M. Criona  
Roll International Corporatoin  
11444 West Olympic Boulevard  
Los Angeles, CA 90064

  
\_\_\_\_\_  
Elizabeth M. Swift