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

Proceeding	91171281
Party	Plaintiff PomWonderful LLC
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Date	12/23/2013
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PomWonderful LLC	)	Opposition (Parent) No.: 91171281
	)	
Opposer,	)	<b>***FILED UNDER SEAL***</b>
	)	<b>[REDACTED VERSION]</b>
v.	)	<b>HIGHLY CONFIDENTIAL CONSENT</b>
	)	<b>MOTION FOR EXTENSION OF ALL</b>
Jarrow Formulas, Inc.,	)	<b>DEADLINES FOR 5 MONTHS AND</b>
	)	<b>DETAILED PROGRESS REPORT</b>
	)	
Applicant.	)	Marks and Related (Consolidated) Proceedings:
	)	Opp. No. 91171281 (Parent) re
	)	Opp. No. 91191283 re POME GREAT
	)	Opp. No. 91171284 re POMESYNERGY
	)	Opp. No. 91173117 re POMOPTIMIZER
	)	Opp. No. 91173118 re POMGUARD
	)	Opp. No. 91186414 re POMEZOTIC
	)	Opp. No. 91191995 re PRICKLYPOM
	)	Opp. No. 91194226 re POM and

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Opposer PomWonderful LLC (“Pom”), with the consent of Jarrow Formulas, Inc. (“JFI”) moves to extend all deadlines in this proceeding by five (5) months. The Parties recognize that the Board may be hesitant to extend this proceeding further, but also do not want either Party prejudiced by focusing on settlement instead of discovery and pretrial disclosures when they are so close to resolving this matter completely without any further Board involvement. This extension is requested solely for purposes of focusing the Parties’ time, energy and resources to finalizing the final settlement documents in this matter and not for purposes of delay.

Since the proceedings resumed from the last granted suspension, the Parties have remained focused on finalizing a lengthy written settlement agreement.

As a reminder to the Board, the issues between the Parties in this proceeding are complicated because this proceeding involves (a) multiple trademark applications applied for and owned by both Pom and JFI; (b) actual use in commerce of many of the marks at issue by both

Pom and JFI; and (c) a number of related opposition proceedings in Canada involving similar issues, some of the same marks, actual use in commerce of some of the marks, and where a third-party is also involved.

Since the last suspension was filed on July 29, 2013, counsel for the Parties and the Parties themselves have tried diligently to focus their energy in this case on settlement and Pom's new management has focused on evaluating whether the terms negotiated with Pom's prior management are acceptable, and whether the wording of certain terms in the draft settlement are acceptable. Pom believes that the settlement being discussed has [REDACTED] [REDACTED] and therefore the negotiating, drafting and client counseling involved in this has been extensive.

- On July 29, 2013 counsel for Pom arranged a meeting with her client for July 31, 2013 and [REDACTED] regarding the settlement issues;
- On July 30, 2013 counsel for Pom held a meeting with her client regarding [REDACTED] [REDACTED];
- On September 23, 2013, Pom [REDACTED] [REDACTED] [REDACTED]
- On September 26, 2013, counsel for Pom [REDACTED] [REDACTED]

- On September 30, 2013, counsel for Pom [REDACTED]  
[REDACTED]  
[REDACTED]
- During October, [REDACTED]  
[REDACTED];
- On October 28, 2013, [REDACTED]  
[REDACTED]
- On November 1, 2013, [REDACTED]  
[REDACTED];
- On November 8, 2011, [REDACTED]  
[REDACTED]
- On November 8, 2011, [REDACTED]  
[REDACTED];
- On November 11, 2013 Pom's counsel [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- Counsel for JFI, [REDACTED]  
[REDACTED]  
[REDACTED]

- On December 3, 2013, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

As further required by the Board's December 7, 2010 order, the Parties have made the following progress toward resolving this matter. Since at least November 2012 the Parties have been negotiating settlement whereby [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. Accordingly, the following issues remain to be resolved:

- that [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] that [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

As the Board can see, the Parties have been diligently trying to finalize this settlement agreement. The Parties therefore believe that their time, energy and resources remain better spent finalizing the agreement and not tending to the many discovery and pretrial issues that would be raised should the deadlines in this proceeding not be extended.

In view of their progress in settlement, as detailed above, the Parties respectfully request that the Board extend all remaining discovery and trial dates by five months from the prior schedule as set forth below:

Plaintiff's Pretrial Disclosures Due	February 23, 2014
Plaintiff's 30-day Trial Period Ends	April 9, 2014
Defendant's Pretrial Disclosures Due	April 24, 2014
Defendant's 30-day Trial Period Ends	June 8, 2014
Plaintiff's Rebuttal Disclosures Due	June 23, 2014
Plaintiff's 15-day Rebuttal Period Ends	July 23, 2014

The Parties note that their proposed schedule reflects the Parties' desire to accommodate previously scheduled depositions, appellate briefing, and trial testimony periods arising in

January and February in other litigation matters. In light of these additional considerations, the Parties submit that their request is supported by good cause and is not for purposes of unduly delaying proceedings.

Counsel for Pom has discussed this Motion with counsel for Jarrow Formulas, Inc., and Jarrow Formulas, Inc. having assisted in the drafting of this this Motion, consents to the requested extension as set forth above.

Respectfully submitted:

DATED: December 23, 2013

ROLL LAW GROUP P.C.

By: /s/ Danielle M. Criona /s/  
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**CERTIFICATE OF SERVICE**

I, Danielle Criona, hereby certify that a copy of **\*\*\*FILED UNDER SEAL\*\*\***

**HIGHLY CONFIDENTIAL CONSENT MOTION FOR EXTENSION OF ALL DEADLINES FOR 5 MONTHS AND DETAILED PROGRESS REPORT** has been served upon attorneys for Applicant via email, as agreed to by the Parties:

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Date: December 23 2013

By: */s/ Danielle M. Criona /s/*

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