

ESTTA Tracking number: **ESTTA133536**

Filing date: **04/04/2007**

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

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| Proceeding. | 91174338                                   |
| Applicant   | Defendant<br>Shamitoff, Joel B.            |
| Other Party | Plaintiff<br>KELLOGG NORTH AMERICA COMPANY |

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

The Close of Discovery is currently set to close on 09/20/2007. Shamitoff, Joel B. requests that such date be extended for 60 days, or until 11/19/2007, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 11/19/2007  
Thirty-day testimony period for party in position of  
plaintiff to close : 02/17/2008  
Thirty-day testimony period for party in position of  
defendant to close : 04/17/2008  
Fifteen-day rebuttal testimony period to close : 06/01/2008

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

Shamitoff, Joel B. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Shamitoff, Joel B. 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 Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/Karl Kenna/  
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04/04/2007