

ESTTA Tracking number: **ESTTA261526**

Filing date: **01/20/2009**

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

Proceeding	91187434
Party	Defendant E.A. Sween Company
Correspondence Address	MICHAEL T. OLSEN WINTHROP & WEINSTINE 225 S 6TH ST STE 3500 MINNEAPOLIS, MN 55402-4629 UNITED STATES molsen@winthrop.com
Submission	Motion to Extend
Filer's Name	Bradley J. Walz
Filer's e-mail	bwalz@winthrop.com, trademark@winthrop.com, molsen@winthrop.com
Signature	/Bradley J. Walz/
Date	01/20/2009
Attachments	Motion for Extension.pdf (2 pages)(68763 bytes) Certificate of Service.pdf (1 page)(43356 bytes)

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

In the matter of Application Ser. No.: 77/134,023
Filed: March 19, 2007
For the mark: FOOD FOR LIFE ON THE GO!
Published in the Trademark Official Gazette on July 15, 2008

Food for Life Baking Co., Inc.,

Opposer,

Opposition No. 91187434

E.A. Sween Company,

Applicant.

**MOTION FOR AN EXTENSION OF THE DISCOVERY AND TRIAL PERIODS
WITH CONSENT**

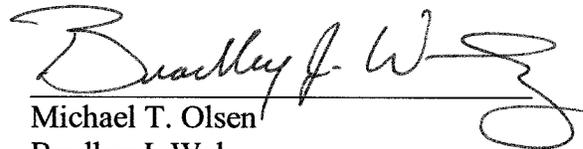
Pursuant to Fed. R. Civ. P. 6(b) and 37 C.F.R. 2.120(a), E.A. Sween Company (“Applicant”) hereby moves the Trademark Trial and Appeal Board (“Board”) for a 30-day extension to the discovery and testimony periods.

Applicant and Food for Life Baking Co., Inc. (“Opposer”) (collectively the “Parties”) conducted the mandatory discovery conference. The Parties discussed, among other topics, the possibility of settlement. Applicant is not filing this Motion for purposes of delay, but to allow time for the Parties to continue their good faith settlement negotiations. Applicant further states that it received Opposer’s consent to file this motion to extend the discovery and testimony periods by an additional 30 days. Therefore, the Parties respectfully request that the Board grant their Motion for an Extension of Discovery and Trial Periods with Consent and adopt the following schedule:

Discovery Opens	02/19/2009
Initial Disclosures Due	03/21/2009
Expert Disclosures Due	07/19/2009
Discovery Closes	08/19/2009
Plaintiff's Pretrial Disclosures	10/02/2009
Plaintiff's 30-day Trial Period Ends	11/16/ 2009
Defendant's Pretrial Disclosures	12/01/2009
Defendant's 30-day Trial Period Ends	01/15/2010
Plaintiff's Rebuttal Disclosures	01/30/2010
Plaintiff's 15-day Rebuttal Period Ends	03/01/2010

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.



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ATTORNEYS FOR APPLICANT
E.A. SWEEN COMPANY

Dated: January 20, 2009

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Opposer,

v.

Opposition No. 91187434

E.A. Sween Company,

Applicant.

CERTIFICATE OF SERVICE BY E-MAIL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Andrea Eichrodt, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 20th day of January 2009, she e-mailed with opposing counsel's consent, a true and correct copy of the

1. Motion to Extend the Discovery and Trial Dates

in the above-captioned action to the following at the last known address, to-wit:

Dax Alvarez
dax_alvarez@bstz.com



Andrea Eichrodt

Subscribed and sworn to before me
This 20th day of January, 2009.



NOTARY PUBLIC
4273006v1

