

ESTTA Tracking number: **ESTTA275644**

Filing date: **04/01/2009**

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

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|------------------------|---|
| Proceeding | 91188120 |
| Party | Defendant PURE Bioscience |
| Correspondence Address | Jennifer Lee Taylor Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105-2482 UNITED STATES jtaylor@mofo.com, thasse@mofo.com, mmcdaniel@mofo.com |
| Submission | Motion to Extend |
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| Signature | /Jennifer Lee Taylor/ |
| Date | 04/01/2009 |
| Attachments | Motion to Extend.pdf (3 pages)(64213 bytes) |

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

DrugTech Corporation

Opposer,

v.

PURE Bioscience,

Applicant.

Opposition No. 91188120

Serial No. 77/498,929

Box TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION TO EXTEND TIME

Applicant PURE Bioscience, by and through its attorneys, hereby requests that the Board extend Applicant's time to respond and all other dates in the above-referenced matter by thirty (30) days.

Opposer has consented to two thirty-day extensions previously. The parties are currently in settlement discussions. Applicant proposed a settlement agreement on March 2, 2009, and Opposer's counsel responded that he is conferring with his client. Applicant followed up in mid-March. Applicant followed up again today, April 1, 2009, via e-mail and voicemail, requesting a further 30-day extension of time while Opposer is considering the settlement offer. Applicant noted in the voicemail message that it would file a short motion to extend time if there was no response by 3:30PM PST. There has been no response.

This extension will result in the following trial schedule:

Time to Answer: May 1, 2009

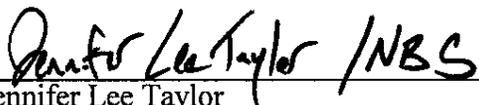
Deadline for Discovery Conference: May 31, 2009

Discovery Opens: May 31, 2009
Initial Disclosures Due: June 30, 2009
Expert Disclosures Due: October 28, 2009
Discovery Closes: November 27, 2009
Plaintiff's Pretrial Disclosures: January 11, 2010
Plaintiff's 30-day Trial Period Ends: February 25, 2010
Defendant's Pretrial Disclosures: March 12, 2010
Defendant's 30-day Trial Period Ends: April 26, 2010
Plaintiff's Rebuttal Disclosures: May 11, 2010
Plaintiff's 15-day Rebuttal Period Ends: June 10, 2010

A copy of this motion is being served on opposing counsel.

Respectfully submitted,

Dated: April 1, 2009

By:  /NBS
Jennifer Lee Taylor
Attorney for Applicant
PURE Bioscience

Morrison & Foerster LLP
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San Francisco, California 94105-2482
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PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on April 1, 2009, I served a copy of:

MOTION TO EXTEND TIME

on the following by placing true copies thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

Bryce J. Maynard
Buchanan Ingersoll & Rooney
P.O. Box 1404
Alexandria, VA 22313-1404

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 1st day of April 2009.

Mary S. McDaniel
(typed)



(signature)