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Filing date: **02/07/2011**

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

Proceeding	91194974
Party	Defendant GFA Brands, Inc.
Correspondence Address	MARTA LEVINE QUARLES & BRADY, LLP 411 EAST WISCONSIN AVE MILWAUKEE, WI 53202 UNITED STATES tm-dept@quarles.com
Submission	Stipulated/Consent Motion to Extend
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Signature	/MartaLevine/
Date	02/07/2011
Attachments	StipulationExtendDiscover_Promark_Oppostiion974.pdf (2 pages)(66287 bytes)

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

In the Matter of Application Serial Nos. 77/864305 and 77/864268: SMART BALANCE
Published in the *Official Gazette* on April 20, 2010 and August 10, 2010, respectively

PROMARK BRANDS INC.,

Opposer

v.

**Opposition Nos. 91194974
91196358**

GFA BRANDS, INC.

Applicant

STIPULATION TO EXTEND TIME FOR DISCOVERY
AND FOR TAKING TESTIMONY

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Subject to the approval of the Trademark Trial and Appeal Board, the parties, by their respective counsel, hereby stipulate and agree that the times for taking discovery and trial testimony be extended by 60 (sixty) days, so that the following schedule will apply:

Initial Disclosures Due	04/11/2011
Expert Disclosures Due	08/10/2011
Discovery Closes	09/10/2011
Plaintiff's Pretrial Disclosures	10/25/2011
Plaintiff's 30-day Trial Period Ends	12/08/2011
Defendant's Pretrial Disclosures	12/23/2011
Defendant's 30-day Trial Period Ends	02/07/2012
Plaintiff's Rebuttal Disclosures	02/22/2012

Opposer: ProMark Brands Inc.
Applicant: GFA Brands, Inc.
Mark: SMART BALANCE
Opposition Nos. 91194974
91196358

Plaintiff's 15-day Rebuttal Period Ends 03/22/2012

The parties have already fulfilled the requirement to hold the discovery conference.

Briefs shall be filed in accordance with Rule 2.128 (a) and (b).

An oral hearing will be set only upon request filed as provided by Rule 2.129.

This stipulation is being made by one of the attorneys for Applicant on behalf of both parties. One of Opposer's attorneys, Timothy P. Fraelich, has consented to and joins in this stipulation.

Dated: February 7, 2011

GFA Brands, Inc.

By: Marta Levine
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Certificate of Service and Transmittal:

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below, with a copy sent by first class mail, postage prepaid, to: Timothy P. Fraelich, Jones Day, 901 Lakeside Avenue, Cleveland, Ohio 44114.

Date: February 7, 2011

Marta Levine
Marta S. Levine