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

Proceeding	91194974
Party	Defendant GFA Brands, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Signature	/s/Johanna M. Wilbert
Date	01/24/2013
Attachments	Stipulation to Amend Schedule-Promark.pdf ( 2 pages )(92848 bytes )

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

PROMARK BRANDS INC. and  
H. J. HEINZ COMPANY,

**Opposition Nos. 91194974 (Parent)  
91196358**

Opposers,

U.S. Trademark Application 77/864,305  
For the Mark **SMART BALANCE**

v.

Published in the Official Gazette on April 20, 2010

GFA BRANDS, INC.,

U.S. Trademark Application 77/864,268  
For the Mark **SMART BALANCE**

Applicant.

Published in the Official Gazette on August 10, 2010

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**STIPULATION TO AMEND SCHEDULE**

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Subject to the approval of the Trademark Trial and Appeal Board, the parties, by their respective counsel, hereby stipulate and agree that the current schedule be extended by no more than six (6) days to accommodate the scheduling of the testimony deposition of Dr. Barry A. Sabol, Opposers' expert witness, so that the following schedule will apply:

Plaintiffs' 30-day Trial Period Ends	2/26/2013
Defendant's Pretrial Disclosures	3/12/2013
Defendant's 30-day Trial Period Ends	4/29/2013
Plaintiffs' Rebuttal Disclosures	5/14/2013
Plaintiffs' 15-day Rebuttal Period Ends	6/13/2013

This stipulation is being made by one of the attorneys for Applicant on behalf of both parties.

Angela Gott, attorney for Opposers, ProMark Brands Inc. and H. J. Heinz Company, has consented to this stipulation.

Dated this 24th day of January, 2013.

/s/ Angela R. Gott

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*Attorneys for Opposers ProMark Brands Inc.  
and H. J. Heinz Company*

Dated this 24th day of January, 2013.

/s/ Johanna M. Wilbert

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*Attorneys for Applicant GFA Brands, Inc.*

### **CERTIFICATE OF SERVICE**

A copy of the foregoing Stipulation to Amend Schedule was served on this 24th day of January, 2013, via regular U.S. Mail, postage prepaid, with e-mail courtesy copies upon:

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/s/ Johanna M. Wilbert  
Attorney for Applicant