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

Proceeding	91194974
Party	Plaintiff Promark Brands Inc. and H.J. Heinz Company
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Submission	Motion to Extend
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Date	02/26/2013
Attachments	Motion to Amend Schedule.pdf (2 pages)(106081 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**

Published in the Official Gazette on April 20, 2010

v.

GFA BRANDS, INC.,

U.S. Trademark Application 77/864,268

For the Mark **SMART BALANCE**

Published in the Official Gazette on August 10, 2010

Applicant.

MOTION TO AMEND SCHEDULE

Opposers, ProMark Brands Inc. and H. J. Heinz Company, by their counsel, hereby move the Board to extend the current schedule for Plaintiff's Trial Period by fourteen (14) days, to accommodate the re-scheduling of the testimony deposition of Dr. Barry A. Sabol, Opposers' expert witness, due to a personal medical emergency on the originally-scheduled date, and to extend the current schedule for Defendant's Pretrial Disclosures by seven (7) days, so that the following schedule will apply:

Plaintiffs' Trial Period Ends:	03/12/2013
Defendant's Pretrial Disclosures:	03/19/2013
Defendant's 30-day Trial Period Ends:	04/02/2013
Plaintiffs' Rebuttal Disclosures:	04/17/2013
Plaintiffs' 15-day Rebuttal Period Ends:	05/17/2013

Attorneys for Applicant, GFA Brands, Inc., have agreed to the re-scheduling of the testimony deposition of Dr. Sabol and have agreed to the extended deadlines proposed above, but have not yet provided their express consent to the filing of this motion.

Dated this 26th day of February, 2013.

/Angela R. Gott/

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

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing MOTION TO AMEND SCHEDULE was sent by First Class U.S. Mail, postage prepaid, with a courtesy copy via email, on this 26th day of February, 2013, to Counsel for Applicant:

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