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

Proceeding	91204581
Party	Plaintiff ON Optimum Nutrition Limited
Correspondence Address	JONATHAN S JENNINGS PATTISHALL MCAULIFFE NEWBURY HILLIARD ET AL 311 SOUTH WACKER DRIVE, SUITE 5000 CHICAGO, IL 60606 UNITED STATES aib@pattishall.com, jsj@pattishall.com
Submission	Motion to Extend
Filer's Name	Ashly Boesche, Member of IL Bar
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Signature	/Ashly Boesche/
Date	06/17/2014
Attachments	Motion for Extension .PDF(58582 bytes)

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

In The Matter of Application Serial No. 85/346,745: OPTIMAL NUTRITION CARE

Published in the *Official Gazette* on December 6, 2011

ON OPTIMUM NUTRITION LIMITED,)	
)	
Opposer,)	Opposition No. 91204581
)	
v.)	
)	
ZIA BARKATULLAH, an individual,)	
)	
)	
Applicant.)	

MOTION FOR EXTENSION OF DISCOVERY AND TRIAL DEADLINES

ON Optimum Nutrition Limited ("Opposer") moves to extend the discovery period, re-open the expert disclosure deadline, and to extend all subsequent testimony periods by ninety (90) days as follows:

Expert Disclosures Due:	September 11, 2014
Close of Discovery:	October 11, 2014
Plaintiff's Pretrial Disclosures:	November 25, 2014
Plaintiff's 30-Day Trial Period:	January 9, 2015
Defendant's Pretrial Disclosures:	January 24, 2015
Defendant's 30-Day Trial Period Ends:	March 10, 2015
Plaintiff's Rebuttal Disclosures:	March 25, 2015
Plaintiff's 15-Day Rebuttal Period Ends:	April 24, 2015

1. On April 4, 2012, Opposer filed the Notice of Opposition against Application Serial No. 85/346,745 to register OPTIMAL NUTRITION CARE for “food supplements, vitamins” in Class 5.

2. Shortly after Zia Barkatullah (“Applicant”) filed its Answer, the parties began negotiating a potential settlement.

3. Opposer is waiting for Applicant’s response on a few remaining settlement provisions.

4. The parties require additional time to explore and possibly finalize a settlement.

5. Opposer’s counsel contacted Applicant’s counsel on three different occasions to solicit Applicant’s consent to this motion, but Applicant’s counsel has not responded. Opposer believes that Applicant’s counsel may be away from his office, based on a voicemail message that states this.

6. Applicant has consented to earlier extension of time.

7. Opposer respectfully submits that the foregoing constitutes good cause for the Board to grant this Motion for Extension and the re-opening of the expert disclosure deadline.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: June 17, 2014

By: /s/ Ashly I. Boesche
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Attorneys for Opposer
ON Optimum Nutrition Limited

CERTIFICATE OF ELECTRONIC TRANSMISSION

I, Ashly I. Boesche, hereby certify that this **MOTION FOR EXTENSION OF DISCOVERY AND TRIAL DEADLINES** is being electronically transmitted to the United States Patent and Trademark Office on this 17th day of June, 2014.

/s/ Ashly I. Boesche

CERTIFICATE OF SERVICE

I, Ashly I. Boesche, hereby certify that a copy of the foregoing **MOTION FOR EXTENSION OF DISCOVERY AND TRIAL DEADLINES** was served upon Matthew H. Swyers, The Trademark Company PLLC, 344 Maple Avenue West, Suite 151, Vienna, Virginia 22180, via electronic mail (per agreement) on this 17th day of June, 2014.

/s/ Ashly I. Boesche