

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: April 7, 2015

Opposition No. 91212553

Whole Foods Market IP, L.P.

v.

365 Laboratories, LLC

Amy Matelski, Paralegal Specialist:

Opposer's consented motion filed March 27, 2015 to extend disclosure, discovery and trial dates is granted as modified below.¹ Trademark Rule 2.127(a).

Trial dates are reset as follows:

Initial Disclosures Due	6/2/2015
Expert Disclosures Due	9/30/2015
Discovery Closes	10/30/2015
Plaintiff's Pretrial Disclosures	12/14/2015
Plaintiff's 30-day Trial Period Ends	1/28/2016
Defendant's Pretrial Disclosures	2/12/2016
Defendant's 30-day Trial Period Ends	3/28/2016
Plaintiff's Rebuttal Disclosures	4/12/2016
Plaintiff's 15-day Rebuttal Period Ends	5/12/2016

¹ The trial schedule set forth in opposer's electronically generated motion, did not take into consideration the initial disclosure deadline. Opposer's attention is directed to the statement on the ESTTA website, which informs the parties that they should not use the consent motions forms if the proceeding was instituted on or after November 1, 2007. Instead the parties should file its motions to extend utilizing the general filings tab.

Inasmuch as opposer has provided the Board with an updated report of the parties settlement discussions as previously required, the parties are reminded that there is a continuing obligation to provide good cause in the form of detailed progress reports for any further extension or suspension requests.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.