

ESTTA Tracking number: **ESTTA704280**

Filing date: **10/23/2015**

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

Proceeding	91212680
Party	Plaintiff Frito-Lay North America, Inc.
Correspondence Address	PAUL MADRID PIRKEY BARBER PLLC 600 CONGRESS AVENUE, SUITE 2120 AUSTIN, TX 78701 UNITED STATES pmadrid@pirkeybarber.com, bbarber@pirkeybarber.com, drausa@pirkeybarber.com, tmcentral@pirkeybarber.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Paul Madrid
Filer's e-mail	pmadrid@pirkeybarber.com, bbarber@pirkeybarber.com, drausa@pirkeybarber.com, tmcentral@pirkeybarber.com
Signature	/Paul Madrid/
Date	10/23/2015
Attachments	(Third) Motion for Extension of Trial Periods with Consent.docx.pdf(59718 bytes)

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

In the Matter of Trademark Application
Serial No. 79111074 for CORN THINS and
Serial No. 85820051 for RICE THINS

FRITO-LAY NORTH AMERICA, INC.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91212680 (Parent)
	§	Opposition No. 91213587
REAL FOODS PTY LTD.,	§	
	§	
Applicant.	§	

MOTION FOR EXTENSION OF TRIAL PERIODS WITH CONSENT

Frito-Lay North America, Inc. (“Opposer”) moves that the Board extend the opening of Opposer’s trial period—currently set to open on Monday, October 26, 2015—for 14 days to Monday, November 9, 2015, and that the Board reset all other trial deadlines in the case according to the following schedule:

Opposer’s 30-Day Trial Period Ends:	December 9, 2015
Applicant’s Pretrial Disclosures Due:	December 24, 2015
Applicant’s 30-Day Trial Period Ends:	February 7, 2016
Opposer’s Rebuttal Disclosures Due:	February 22, 2016
Opposer’s 15-Day Rebuttal Period Ends:	March 23, 2016

The grounds for the request are that Opposer and Applicant Real Foods Pty Ltd. (“Applicant”) require additional time to finalize the stipulation for employing the Board’s procedures for accelerated case resolution in this proceeding.

The undersigned counsel for Opposer has secured the express consent of counsel for Applicant for the extension and resetting of the dates requested herein.

Respectfully submitted,

/Paul Madrid/ Paul Madrid

William G. Barber

Paul Madrid

PIRKEY BARBER PLLC

600 Congress Avenue, Suite 2120

Austin, Texas 78701

(512) 322-5200

bbarber@pirkeybarber.com

pmadrid@pirkeybarber.com

ATTORNEYS FOR OPPOSER

FRITO-LAY NORTH AMERICA, INC.

CERTIFICATE OF SERVICE

I certify that today, October 23, 2015, I served a copy of the foregoing MOTION FOR EXTENSION OF TRIAL PERIODS WITH CONSENT by sending it via First Class Mail, postage prepaid, to counsel for Applicant at the address below:

Bruce S. Londa
Jeanne Hamburg
Ami Bhatt
Norris McLaughlin & Marcus PA
875 3rd Avenue, 8th Floor
New York, NY 10022-6225

/Paul Madrid/

Paul Madrid