

ESTTA Tracking number: **ESTTA727297**

Filing date: **02/16/2016**

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

Proceeding.	91221061
Applicant	Defendant 8724709 CANADA INC.
Other Party	Plaintiff General Nutrition Investment Company
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Defendant's Time to Answer is currently set to close on 02/19/2016. 8724709 CANADA INC. requests that such date be extended for 60 days, or until 04/19/2016, and that all subsequent dates be reset accordingly.

Time to Answer :	04/19/2016
Deadline for Discovery Conference :	05/19/2016
Discovery Opens :	05/19/2016
Initial Disclosures Due :	06/18/2016
Expert Disclosure Due :	10/16/2016
Discovery Closes :	11/15/2016
Plaintiff's Pretrial Disclosures :	12/30/2016
Plaintiff's 30-day Trial Period Ends :	02/13/2017
Defendant's Pretrial Disclosures :	02/28/2017
Defendant's 30-day Trial Period Ends :	04/14/2017
Plaintiff's Rebuttal Disclosures :	04/29/2017
Plaintiff's 15-day Rebuttal Period Ends :	05/29/2017

The grounds for this request are as follows:

- *The parties have entered into a settlement agreement concerning this opposition. An amendment of U.S. S.N. 86/151,084 was filed on January 14, 2016 pursuant to that agreement but has not yet been approved as of today's date. The parties are awaiting approval of that amendment before the opposition is withdrawn.*

8724709 CANADA INC. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

8724709 CANADA INC. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/dsg/

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02/16/2016