

ESTTA Tracking number: **ESTTA715721**

Filing date: **12/18/2015**

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

Proceeding	91221666
Party	Plaintiff PepsiCo, Inc.
Correspondence Address	LAURA BETH EMERSON BAKER BOTTS LLP 30 ROCKEFELLER PLAZA 44TH FL NEW YORK, NY 10112 UNITED STATES lauren.emerson@bakerbotts.com, paul.reilly@bakerbotts.com
Submission	Motion to Extend
Filer's Name	Lauren Beth Emerson
Filer's e-mail	nytmdpt@bakerbotts.com, lauren.emerson@bakerbotts.com
Signature	/lbe/
Date	12/18/2015
Attachments	Motion to Extend All Dates by 90 Days - AQUAFIX.pdf(101271 bytes)

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

In the matter of U.S. Applicant Serial No. 86384378
Trademark: AQUAFIX
Filed: September 3, 2014

-----X	:	
PEPSICO, INC.	:	
Opposer,	:	
vs.	:	Opposition No. 91221666
MVS INTERNATIONAL INC.	:	
Applicant.	:	
-----X	:	

MOTION TO EXTEND ALL DATES BY 90 DAYS

Opposer, PepsiCo, Inc. (“Opposer”), by its undersigned counsel, respectfully moves for a ninety (90) day extension of all dates in the proceeding for the good cause shown herein. PepsiCo requested Applicant’s consent to this motion by letter dated December 4, 2015, but has yet to receive a response.

Additional time is required to complete discovery in this proceeding. At the onset of discovery, on July 3, 2015, Opposer served document requests and interrogatories on Applicant. Opposer subsequently served requests for admissions and a second set of interrogatories on September 16, 2015 and December 4, 2015, respectively. Applicant’s responses have been incomplete and it has required significant effort on the part of Opposer to obtain much of what it has received thus far from Applicant. Opposer has alerted Applicant to certain persisting deficiencies, and is endeavoring to resolve these issues with Applicant without Board intervention; however, it reserves the right to

do so, if necessary. Once Opposer receives the requested documents and information from Applicant, it will need additional time for review and to pursue follow up discovery, including, depositions and/or the service of further document requests, interrogatories or requests for admission.

Wherefore, for the reasons stated and the good cause shown herein, Opposer, by its counsel, respectfully requests that all dates be extended by ninety (90) days as follows:

Discovery Period to Close: 03/29/2016

Plaintiff Pretrial Disclosures: 05/13/2016

Plaintiff's 30-day Trial Period Ends: 06/27/2016

Defendant's Pretrial Disclosures: 07/12/2016

Defendant's 30-day Trial Period ends: 08/26/2016

Plaintiff's Rebuttal Disclosures: 09/10/2016

Plaintiff's 15-day Rebuttal Period Ends: 10/10/2016

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: December 18, 2015

By: 

Paul J. Reilly
Lauren Beth Emerson
30 Rockefeller Plaza
New York, NY 10112-4498
Tel: (212) 408-2500
Fax: (212) 408-2501

Attorneys for Opposer
PepsiCo, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below a true and correct copy of the aforementioned document, “**MOTION TO EXTEND ALL DATES BY 90 DAYS,**” was served via email on following counsel of record for the Applicant as follows:

HUMBERTO RUBIO
LAW FIRM OF RUBIO & ASSOCIATES PA
8950 SW 74TH CT STE 1804
MIAMI, FL 33156-3177
UNITED STATES
hrubio@rubiolegal.com

Date: December 18, 2015



Lauren Beth Emerson