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Filing date: **03/28/2016**

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
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Signature	/lbe/
Date	03/28/2016
Attachments	328 Motion to Extend All Dates 90 Days.pdf(101004 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 email dated March 18, 2016, but has yet to receive a response.

Additional time is required to complete discovery in this proceeding. Applicant’s responses to the discovery requests initially served by Opposer remain incomplete, and Applicant has failed to respond at all to Opposer’s Second Set of Interrogatories served on December 4, 2015. Opposer has thus far endeavored 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 : 06/27/2016

Plaintiff Pretrial Disclosures : 08/11/2016

Plaintiff's 30-day Trial Period Ends : 09/25/2016

Defendant's Pretrial Disclosures : 10/10/2016

Defendant's 30-day Trial Period ends : 11/24/2016

Plaintiff's Rebuttal Disclosures : 12/09/2016

Plaintiff's 15-day Rebuttal Period Ends : 01/08/2017

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: March 28, 2016

By:



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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:

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UNITED STATES  
hrubio@rubiolegal.com

Date: March 28, 2016



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Lauren Beth Emerson