

ESTTA Tracking number: **ESTTA309968**

Filing date: **10/06/2009**

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

Proceeding.	92049013
Applicant	Defendant INA GARTEN LLC
Other Party	Plaintiff Contessa Premium Foods, Inc.

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

The Close of Discovery is currently set to close on 11/09/2009. INA GARTEN LLC requests that such date be extended for 90 days, or until 02/07/2010, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	01/08/2010
Discovery Closes :	02/07/2010
Plaintiff's Pretrial Disclosures :	03/24/2010
Plaintiff's 30-day Trial Period Ends :	05/08/2010
Defendant's Pretrial Disclosures :	05/23/2010
Defendant's 30-day Trial Period Ends :	07/07/2010
Plaintiff's Rebuttal Disclosures :	07/22/2010
Plaintiff's 15-day Rebuttal Period Ends :	08/21/2010

The grounds for this request are as follows:

- *Petitioner has obtained new counsel and the parties are involved in arranging for depositions and to complete discovery.*

INA GARTEN LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

INA GARTEN LLC 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,  
/John Margiotta/  
John P. Margiotta  
jm@fzlz.com  
john.harriman@dlapiper.com  
10/06/2009