

ESTTA Tracking number: **ESTTA388058**

Filing date: **01/12/2011**

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

|             |                                         |
|-------------|-----------------------------------------|
| Proceeding. | 92050093                                |
| Applicant   | Defendant<br>Gielow Pickles, Inc.       |
| Other Party | Plaintiff<br>Whataburger Partnership LP |

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

The Close of Plaintiff's Trial Period is currently set to close on 01/20/2011. Gielow Pickles, Inc. requests that such date be extended for 60 days, or until 03/21/2011, 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 :                   | CLOSED     |
| Discovery Closes :                        | CLOSED     |
| Plaintiff's Pretrial Disclosures :        | 02/04/2011 |
| Plaintiff's 30-day Trial Period Ends :    | 03/21/2011 |
| Defendant's Pretrial Disclosures :        | 04/05/2011 |
| Defendant's 30-day Trial Period Ends :    | 05/20/2011 |
| Plaintiff's Rebuttal Disclosures :        | 06/04/2011 |
| Plaintiff's 15-day Rebuttal Period Ends : | 07/04/2011 |

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

Gielow Pickles, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Gielow Pickles, 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,  
/Timothy C. Kingston/  
Timothy C. Kingston  
kingston@rockymtnlaw.com  
CKelly@wileyrein.com  
01/12/2011