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

Proceeding	92052684
Party	Defendant NutriScience Corporation
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Submission	Stipulated/Consent Motion to Extend
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Date	05/09/2011
Attachments	Extension.pdf ( 4 pages )(77366 bytes )

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

NATURAL SUPPLEMENTS AND REMEDIES, INC.,	)	
	)	Cancellation No. 92052684
Petitioner,	)	
v.	)	Reg. No.: 3237960
	)	
NUTRISCIENCE CORPORATION,	)	Mark: VITAENERGY
	)	
Registrant.	)	
	)	

**STIPULATED CONSENTED MOTION FOR EXTENSION OF TIME  
FOR FIFTEEN DAYS OF ALL DATES**

Registrant, NutriScience Corporation (“Registrant”), through its undersigned attorneys, and with the consent of counsel for Natural Supplements and Remedies, Inc. (“Petitioner”) hereby moves that the dates as set by the Board Order dated April 8, 2011 be extended by fifteen days.

The reason for the requested suspension is due to the fact that counsel for Petitioner has provided information to Registrant’s counsel for review. Petitioner’s counsel had already prepared the Amended Answer, but has not had a chance to review the information provided by counsel for Petitioner. Petitioner’s counsel has suggested that the evidence provided may have an impact on Registrant’s amended Answer and Counterclaim.

Registrant’s counsel requires additional time to review the information in order to determine how to answer the Petition.

Counsel for the parties has agreed in an email exchange on May 5, 2011 that the additional time to will be beneficial and constitutes good cause for the requested extension of ALL the dates and request approval by the Board.

The new proposed schedule for the proceedings is as follows:

Respondent's Amended Pleading Due .....May 23, 2011

Answer to Amended Counterclaim Due .....July 2, 2011

Deadline for Discovery Conference .....August 1, 2011

Discovery Opens .....August 1, 2011

Initial Disclosures Due .....August 31, 2011

Expert Disclosures Due .....December 29, 2011

Discovery Closes .....January 28, 2012

Plaintiff's Pretrial Disclosures .....March 13, 2012

30-day testimony period for plaintiff's  
testimony to close .....April 27, 2012

Defendant/Counterclaim Plaintiff's  
Pretrial Disclosures .....May 12, 2012

30-day testimony period for defendant  
and plaintiff in the counterclaim to close .....June 26, 2012

Counterclaim Defendant's and Plaintiff's  
Rebuttal Disclosures Due .....July 11, 2012

30-day testimony period for defendant in the  
counterclaim and rebuttal testimony  
for plaintiff to close .....August 25, 2012

Counterclaim Plaintiff's Rebuttal  
Disclosures Due .....September 9, 2012

15-day rebuttal period for plaintiff in the  
counterclaim to close .....October 9, 2012

Brief for plaintiff due .....December 8, 2012

Brief for defendant and plaintiff in the  
counterclaim due .....January 7, 2012

Brief for defendant in the counterclaim  
and reply brief, if any, for plaintiff due .....February 6, 2013

Reply brief, if any, for plaintiff in the  
counterclaim due .....February 21, 2013

This stipulation has been agreed to by counsel for both parties pursuant to an email  
exchange on May 5, 2011.

This stipulation is being submitted online via ESTTA pursuant to Rule 2.121(d).

Respectfully submitted,

Dated: May 9, 2011

By:  \_\_\_\_\_  
Kurt Koenig

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Attorneys for Applicant

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing “STIPULATED CONSENTED MOTION FOR EXTENSION OF TIME FOR FIFTEEN DAYS” was served on May 9, 2011 by first-class mail, postage prepaid and by email to Opposer’s counsel addressed as follows:

Oliver Alan Ruiz, Esq.  
Malloy & Malloy, P.A.  
2800 S.W. Third Avenue  
Miami, FL 33129

  
Kurt Koening

Dated: May 9, 2011

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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office via ESTTA on the date identified below.

Dated: May 9, 2011

  
Kurt Koening

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