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Filing date: **06/20/2013**

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

Proceeding	92052901
Party	Plaintiff Whataburger Partnership
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	Wendy C. Larson
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Signature	/WCL/
Date	06/20/2013
Attachments	Consented Motion to Extend.pdf(10850 bytes)

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

WHATABURGER PARTNERSHIP,	§	
	§	
Petitioner,	§	
	§	
v.	§	Cancellation No. 92052901
	§	
WALA INDUSTRIES, INC.	§	
	§	
Registrant.	§	

PETITIONER’S CONSENTED MOTION TO EXTEND

Petitioner¹ renews its consented motion for an extension of discovery and trial dates, requesting a sixty (60) day extension of time² for all remaining deadlines in this proceeding, including the discovery deadline, pursuant to 37 C.F.R. §§ 2.120(a) and FED. R. CIV. P. 6(b).

Pursuant to the Board’s June 17, 2013 Order denying without prejudice Petitioner’s May 13, 2013 consented Motion to Extend, Petitioner submits that good cause exists to extend all remaining deadlines, and presents the following progress report. Petitioner sent its latest settlement proposal to Registrant in May 2013. Petitioner’s communication to Registrant included background information relating to recent developments in Petitioner’s trademark portfolio affecting potential settlement in this proceeding. The proposal included terms that, if accepted by Registrant, would resolve this cancellation proceeding. Registrant is currently considering Petitioner’s proposal, and expects to respond to Petitioner in the near future.

¹ After the initiation of this proceeding, Petitioner Whataburger Partnership was converted to Tres Aguilas Enterprises LLC, a Texas limited liability company.

² From the date of filing its initial motion.

Upon granting of this motion, the following time periods shall apply (as requested in

Petitioner's May 13, 2013 consented motion):

Expert Disclosure Due:	07/12/2013
Discovery Closes:	08/11/2013
Plaintiff's Pretrial Disclosures:	09/25/2013
Plaintiff's 30-day Trial Period Ends:	11/09/2013
Defendant's Pretrial Disclosures:	11/24/2013
Defendant's 30-day Trial Period Ends:	01/08/2014
Plaintiff's Rebuttal Disclosures:	01/23/2014
Plaintiff's 15-day Rebuttal Period Ends:	02/22/2014

Registrant's attorney communicated its consent to Petitioner's initial motion on May 13, 2013, and communicated Registrant's consent to the instant motion on June 19, 2013.

Dated: June 20, 2013

Respectfully submitted,

By: /Wendy C. Larson/
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ATTORNEYS FOR WHATABURGER
PARTNERSHIP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the PETITIONER'S CONSENTED MOTION TO EXTEND has been served via First Class Mail, postage prepaid to counsel for Registrant at the address below, on June 20, 2013:

William L. Chapin, Esq.
Law Offices of William L. Chapin
4540 Campus Drive, Suite 144
Newport Beach, CA 92660

/Wendy C. Larson/