

ESTTA Tracking number: **ESTTA369383**

Filing date: **09/21/2010**

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

Proceeding.	92052901
Applicant	Defendant Wala Industries, Inc.
Other Party	Plaintiff Whataburger Partnership

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

The Defendant's Time to Answer is currently set to close on 09/26/2010. Wala Industries, Inc. requests that such date be extended for 30 days, or until 10/26/2010, and that all subsequent dates be reset accordingly.

Time to Answer :	10/26/2010
Deadline for Discovery Conference :	11/25/2010
Discovery Opens :	11/25/2010
Initial Disclosures Due :	12/25/2010
Expert Disclosure Due :	04/24/2011
Discovery Closes :	05/24/2011
Plaintiff's Pretrial Disclosures :	07/08/2011
Plaintiff's 30-day Trial Period Ends :	08/22/2011
Defendant's Pretrial Disclosures :	09/06/2011
Defendant's 30-day Trial Period Ends :	10/21/2011
Plaintiff's Rebuttal Disclosures :	11/05/2011
Plaintiff's 15-day Rebuttal Period Ends :	12/05/2011

The grounds for this request are as follows:

- *New counsel for defendant received petition documents just last week.*

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

Wala Industries, 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 First Class Mail on this date.

Respectfully submitted,  
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09/21/2010