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

Proceeding	92054468
Party	Defendant Michael J. McKelvey dba Aquarobic International
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Date	11/29/2011
Attachments	Third Motion to Extend.pdf (3 pages)(351034 bytes)

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

AQUA-AEROBIC SYSTEMS, INC.

Petitioner,

v.

MICHAEL J. McKELVEY
d/b/a AQUAROBIC INTERNATIONAL

Registrant.

Cancellation No. 92054468

Registration No. 3858155

BOX TTAB NO FEE

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**THIRD MOTION TO EXTEND DEADLINE FOR RESPONDING TO
PETITION FOR CANCELLATION AND OTHER TRIAL DATES
(WITH CONSENT)**

Registrant Michael J. McKelvey d/b/a Aquarobic International, with the consent of counsel for Petitioner, hereby moves to extend the deadline by which Registrant must file a responsive pleading, answer or otherwise respond to the Petition for Cancellation as well as all subsequent deadlines by fourteen (14) days. This extension will result in the following trial schedule:

Time to Answer:	12/14/2011
Deadline for Discovery Conference:	01/13/2012
Discovery Opens:	01/13/2012
Initial Disclosures Due:	02/12/2012
Expert Disclosures Due:	06/11/2012
Discovery Closes:	07/11/2012
Plaintiff's Pretrial Disclosures:	08/25/2012
Plaintiff's 30-day Trial Period Ends:	10/09/2012
Defendant's Pretrial Disclosures:	10/24/2012
Defendant's 30-day Trial Period Ends:	12/08/2012
Plaintiff's Rebuttal Disclosures:	12/23/2012
Plaintiff's 15-day Rebuttal Period Ends:	01/22/2013

The parties have agreed that such an extension will not hinder the further process of this proceeding. Robert A. Vitale, Jr., Esq., attorney for Petitioner, agreed to this extension on November 29, 2011. This extension is necessary and supported by good cause, as the parties need the additional time to discuss potential settlement.

Respectfully submitted,

Dated: November 29, 2011

By:



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Counsel for Registrant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by electronic mail, by consent, on counsel for Petitioner Aqua-Aerobic Systems, Inc., at Vitale@nshn.com, this 29th day of November, 2011.



Tara A. Branscom, Esq.