

ESTTA Tracking number: **ESTTA69015**

Filing date: **03/02/2006**

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

| | |
|------------------------|--|
| Proceeding | 94001242 |
| Party | Registrant HARRY'S FARMERS MARKET, INC. |
| Correspondence Address | CHRISTOPHER L. GRAFF TROP, PRUNER & HU, PC 7718 Wood Hollow Drive G-50 AUSTIN, TX 78731 UNITED STATES tphpto@tphm.com, graff@tphm.com |
| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | Christopher L. Graff |
| Filer's e-mail | tphpto@tphm.com, graff@tphm.com, morley@tphm.com |
| Signature | /cl graff/ |
| Date | 03/02/2006 |
| Attachments | WFM_0113 Stipulated Request for Ext of Discovery & Trial Dates 20060302.pdf (3 pages) |

TRADEMARK

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

In the matter of Registration Nos.: 1,854,765 and 1,929,015
Issued: September 20, 1994 and October 24, 1995

The Harris Soup Company,
Applicant,

v.

Whole Foods Market IP, L.P.,
Registrant.

Concurrent Use No. 94001242

STIPULATED REQUEST FOR EXTENSION OF DISCOVERY AND TRIAL DATES

The parties jointly request the Trademark Trial and Appeal Board to extend the discovery and trial dates in the above concurrent use proceeding by thirty (30) days as follows:

| | |
|--|-------------------|
| PERIOD FOR DISCOVERY TO CLOSE: | April 9, 2006 |
| Testimony period for party in position of plaintiff to close | July 8, 2006 |
| Testimony period for party in position of defendant to close | September 6, 2006 |
| Rebuttal testimony period to close | October 21, 2006 |

The parties are currently negotiating a possible settlement. The additional time requested is to allow these discussions to continue. Favorable consideration of this request by the Trademark Trial and Appeal Board is therefore solicited.

Respectfully submitted,

/s/ C. L. Graff

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Attorneys for
Whole Foods Market IP, L.P.

Date: March 2, 2006

/s/ Michael J. Esler

Michael J. Esler, Esq.
Esler Stephens & Buckley
888 SW 5th Avenue
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Portland, OR 97204
(503) 223-1510

Attorneys for
The Harris Soup Company

Date: March 2, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STIPULATED REQUEST FOR EXTENSION OF DISCOVERY AND TRIAL DATES has been served on the following counsel of record by depositing a copy of the same in the United States Mail, postage prepaid, on this 2nd day of March, 2006:

Michael J. Esler, Esq.
Esler Stephens & Buckley
888 SW 5th Avenue
Suite 700
Portland, OR 97204

/s/ C. L. Graff_____