

ESTTA Tracking number: **ESTTA79094**

Filing date: **05/03/2006**

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
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Signature	/cl graff/
Date	05/03/2006
Attachments	WFM_0113 Stipulated Request for Ext of Discovery & Trial Dates 20060503.pdf (3 pages)(51120 bytes)

TRADEMARK

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

In the Matter of Ser. No. 74673508, Reg.
No. 1929015, and Reg. No. 1854765

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:	June 9, 2006
Testimony period for party in position of plaintiff to close:	September 8, 2006
Testimony period for party in position of defendant to close:	November 6, 2006
Rebuttal testimony period to close:	December 21, 2006

The parties have reached an agreement in principle settling the case and a draft agreement has been prepared and is under consideration by the parties. The

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additional time requested is needed to finalize the agreement and prepare filings to deal with procedural matters raised by the settlement. Favorable consideration of this request by the Trademark Trial and Appeal Board is therefore solicited.

Respectfully submitted,

ESLER STEPHENS & BUCKLEY

By: Michael J. Esler
Michael J. Esler Esq.
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Of Attorneys for The Harris Soup Company

Date: 4/28/06

TROP PRUNER & HU, P.C.

By: Christopher L. Graff
Christopher L. Graff
Of Attorneys for Whole Food Market IP,
L.P.
7718 Wood Hollow Drive, Suite G-50
Austin, Texas 78731
(512) 418-9944

Date: 5/3/06

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of STIPULATED REQUEST FOR EXTENSION OF DISCOVERY AND TRIAL DATES has been served on the following counsel of record by depositing a copy in the United States Mail, postage prepaid, on this 3 day of May, 2006:

Michael J. Esler
Esler Stephens & Buckley
888 S.W. Fifth Avenue, Suite 700
Portland, Oregon 97204-2021



Christopher L. Graff