

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

CONOPCO, INC. dba UNILEVER)
 and BEN & JERRY'S)
 HOMEMADE, INC.)
)
 Opposers,)
)
 v.)
)
 COLD STONE CREAMERY, INC.)
)
 Applicant.)
 _____)

Opposition No. 91162832

Mark: CAKE BATTER ICE CREAM

Serial No.: 76/570,187

Published: October 26, 2004

TTAB

MOTION ON CONSENT TO EXTEND DISCOVERY AND TESTIMONY PERIODS

Opposers Conopco, Inc. d/b/a Unilever and Ben & Jerry's Homemade, Inc., and Applicant Cold Stone Creamery, Inc. hereby move that the due dates for close of the discovery period and the subsequent testimony periods in the captioned proceeding be moved forward an additional ninety (90) days. In a telephone conference on September 16, 2005, John Beckstead, counsel for Applicant, consented to this extension request. The extension of time is not requested for purposes of delay. The requested extension of the discovery period is necessary to allow the parties additional time to conduct meaningful discovery and explore the possibility of settlement.


With the acceptance of this Motion, the proposed schedule for the discovery and testimony periods in this proceeding would be as follows:

Discovery period to close:	December 28, 2005
30-day testimony period for party in position of plaintiff to close:	March 27, 2006
30-day testimony period for party in position of defendant to close:	May 28, 2006



15-day rebuttal testimony period for party in position of plaintiff to close:	July 9, 2006
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Dated: New York, New York
September 21, 2005

<p>“Express Mail” mailing label No. <u>ER849768002US</u></p> <p>Date of Deposit: <u>Sept. 21, 2005</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.</p> <p><u>Stephanie L. Jacobs</u> (Printed name of person mailing paper or fee)</p> <p><u>Stephanie L. Jacobs</u> (Signature)</p>	<p>Respectfully submitted,</p> <p>DUANE MORRIS LLP</p> <p>By: <u></u> Gregory P. Gulia Vanessa C. Hew</p> <p>380 Lexington Avenue New York, New York 10168 (212) 692-1000</p> <p>Attorneys for Opposers Conopco, Inc. d/b/a Unilever and Ben & Jerry’s Homemade, Inc.</p>
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing MOTION ON CONSENT TO EXTEND DISCOVERY AND TESTIMONY PERIODS to be served by first-class mail upon Applicant's attorneys, this 21th day of September, 2005, at the following address:

John A. Beckstead
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Salt Lake City, Utah 84101

By: 
Vanessa Hew