

ESTTA Tracking number: **ESTTA166110**

Filing date: **10/02/2007**

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

Proceeding.	91172176
Applicant	Defendant The Hess Collection Winery
Other Party	Plaintiff FL FOOD LION, INC. AND FOOD LION, LLC

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 11/06/2007. The Hess Collection Winery requests that such date be extended for 60 days, or until 01/05/2008, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 01/05/2008
Thirty-day testimony period for party in position of plaintiff to close : 04/04/2008
Thirty-day testimony period for party in position of defendant to close : 06/03/2008
Fifteen-day rebuttal testimony period to close : 07/18/2008

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The parties have agreed to the terms of settlement and are in the process of having the documents memorializing the terms of the agreement signed. The parties have agreed to extend the time for Applicant to file its answer, but the current close of discovery is prior to the extended time to answer.*

The Hess Collection Winery has secured the express consent of all other parties to this proceeding for the extension requested herein.

The Hess Collection Winery 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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10/02/2007