

ESTTA Tracking number: **ESTTA185377**

Filing date: **01/09/2008**

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

Proceeding.	91175209
Applicant	Defendant Biota Brands of America, Inc.
Other Party	Plaintiff O Beverages, LLC, O Waters LLC

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 01/09/2008. Biota Brands of America, Inc. requests that such date be extended for 30 days, or until 02/08/2008, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 02/08/2008

Thirty-day testimony period for party in position of
plaintiff to close : 05/08/2008

Thirty-day testimony period for party in position of
defendant to close : 07/07/2008

Fifteen-day rebuttal testimony period to close : 08/21/2008

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

Biota Brands of America, Inc. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Biota Brands of America, Inc. 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,

/steven b. smith/

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