

ESTTA Tracking number: **ESTTA168869**

Filing date: **10/16/2007**

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

Proceeding.	91175386
Applicant	Plaintiff Vitamin World, Inc.
Other Party	Defendant CREATION'S GARDEN NATURAL PRODUCTS, INC

## Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 10/16/2007. Vitamin World, Inc. requests that such date be extended for 60 days, or until 12/15/2007, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 12/15/2007  
Thirty-day testimony period for party in position of plaintiff to close : 03/14/2008  
Thirty-day testimony period for party in position of defendant to close : 05/13/2008  
Fifteen-day rebuttal testimony period to close : 06/27/2008

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*

Vitamin World, Inc. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Vitamin World, 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 Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/SBF/

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10/16/2007