

ESTTA Tracking number: **ESTTA285979**

Filing date: **05/27/2009**

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

Proceeding.	91177401
Applicant	Plaintiff Valrhona
Other Party	Defendant Fuze Beverage LLC

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

The Close of Plaintiff's Trial Period is currently set to close on 06/29/2009. Valrhona requests that such date be extended for 30 days, or until 07/29/2009, and that all subsequent dates be reset accordingly.

Discovery Period to Close : CLOSED  
Thirty-day testimony period for party in position of plaintiff to close : 07/29/2009  
Thirty-day testimony period for party in position of defendant to close : 09/27/2009  
Fifteen-day rebuttal testimony period to close : 11/11/2009

The grounds for this request are as follows:

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

Valrhona has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Valrhona 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,

/Kristin H. Altoff/

Kristin H. Altoff

trademarks@morganlewis.com, apolott@morganlewis.com, kaltoff@morganlewis.com

BBaber@KSLAW.com

05/27/2009