

ESTTA Tracking number: **ESTTA325709**

Filing date: **01/07/2010**

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

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| Proceeding. | 91183059 |
| Applicant | Plaintiff John Varvatos Apparel Corp. |
| Other Party | Defendant Franco, Joseph |

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

The Close of Discovery is currently set to close on 01/07/2010. John Varvatos Apparel Corp. requests that such date be extended for 90 days, or until 04/07/2010, and that all subsequent dates be reset accordingly.

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| Time to Answer : | CLOSED |
| Deadline for Discovery Conference : | CLOSED |
| Discovery Opens : | CLOSED |
| Initial Disclosures Due : | CLOSED |
| Expert Disclosure Due : | 03/08/2010 |
| Discovery Closes : | 04/07/2010 |
| Plaintiff's Pretrial Disclosures : | 05/22/2010 |
| Plaintiff's 30-day Trial Period Ends : | 07/06/2010 |
| Defendant's Pretrial Disclosures : | 07/21/2010 |
| Defendant's 30-day Trial Period Ends : | 09/04/2010 |
| Plaintiff's Rebuttal Disclosures : | 09/19/2010 |
| Plaintiff's 15-day Rebuttal Period Ends : | 10/19/2010 |

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

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

John Varvatos Apparel Corp. 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,

/Susan M. Kayser/

Susan M. Kayser

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