

ESTTA Tracking number: **ESTTA275757**

Filing date: **04/02/2009**

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

Proceeding	91186037
Party	Defendant NAC Foods, Inc.
Correspondence Address	NAC Foods, Inc. 235 COMMERCIAL AVENUE PALISADES PARK, NJ 07650-1109 UNITED STATES mboyce@mccarter.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Robert W. Smith
Filer's e-mail	mboyce@mccarter.com
Signature	/Robert W. Smith/
Date	04/02/2009
Attachments	SWH v NAC Consented Motin Ext Answer.pdf ( 3 pages )(64041 bytes )

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

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SWH CORP. :  
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 Opposer, : Mark: MIMI'S PRODUCTS  
 : Serial No. 76/684,178  
 : Opposition No. 91186037  
 -vs- :  
 :  
 :  
 NAC FOODS, INC. :  
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 Applicant. :  
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**MOTION ON CONSENT FOR EXTENSION OF TIME TO ANSWER AND  
EXTENSION OF DISCOVERY AND TRIAL DATES**

Applicant hereby requests that all deadlines in this proceeding, including Applicant's deadline to respond to the Notice of Opposition, as well as the close of discovery and all trial dates, be extended for thirty (30) days so that the parties can continue to engage in settlement negotiations. Opposer's counsel verbally consented to this request.

The parties agree that Applicant's response to the Notice of Opposition, which was due March 20, 2009, shall not be deemed untimely, and request that the deadline for Applicant to respond to the Notice of Opposition be extended thirty (30) days. Opposer proposes that the schedule for the proceedings be extended as follows:

Time to Answer: 4/19/09

Deadline for Discovery Conference: 5/19/09

Discovery Opens: 5/19/09

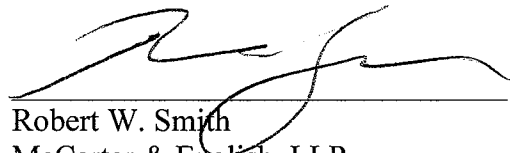
Initial Disclosures Due: 6/18/09  
Expert Disclosures Due: 10/16/09  
Discovery Closes: 11/15/09  
Plaintiff's Pretrial Disclosures: 12/20/09  
Plaintiff's 30-day Trial Period Ends: 2/13/10  
Defendant's Pretrial Disclosures: 2/28/10  
Defendant's 30-day Trial Period Ends: 4/14/10  
Plaintiff's Rebuttal Disclosures: 4/29/10  
Plaintiff's 15-day Rebuttal Period Ends: 5/29/10

The additional time is needed so that the parties can pursue settlement discussions, and is not requested for purposes of delay.

Respectfully submitted,

NAC Foods, Inc.

By:

  
Robert W. Smith  
McCarter & English, LLP  
Attorneys for Applicant NAC Foods, Inc.  
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Dated: April 2, 2009

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of this motion has been served upon attorney for Opposer by e-mail, which Attorney for Opposer has consented to, at the following address: [wholdach@vorys.com](mailto:wholdach@vorys.com).

  
Mary Ann Boyce

Date: April 2, 2009