

ESTTA Tracking number: **ESTTA302534**

Filing date: **08/24/2009**

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

|             |  |
|-------------|--|
| Proceeding. | 91191029                                       |
| Applicant   | Defendant<br>ProbioHealth, LLC                 |
| Other Party | Plaintiff<br>Chr. Hansen A/S, Chr. Hansen Inc. |

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

The Defendant's Time to Answer is currently set to close on 08/23/2009. ProbioHealth, LLC requests that such date be extended for 30 days, or until 09/22/2009, and that all subsequent dates be reset accordingly.

|   |            |
|---|------------|
| Time to Answer :                          | 09/22/2009 |
| Deadline for Discovery Conference :       | 10/22/2009 |
| Discovery Opens :                         | 10/22/2009 |
| Initial Disclosures Due :                 | 11/21/2009 |
| Expert Disclosure Due :                   | 03/21/2010 |
| Discovery Closes :                        | 04/20/2010 |
| Plaintiff's Pretrial Disclosures :        | 06/04/2010 |
| Plaintiff's 30-day Trial Period Ends :    | 07/19/2010 |
| Defendant's Pretrial Disclosures :        | 08/03/2010 |
| Defendant's 30-day Trial Period Ends :    | 09/17/2010 |
| Plaintiff's Rebuttal Disclosures :        | 10/02/2010 |
| Plaintiff's 15-day Rebuttal Period Ends : | 11/01/2010 |

The grounds for this request are as follows:

- *Defendant would like to further review the Opposition and discuss potential settlement options.*

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

ProbioHealth, LLC 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,  
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08/24/2009