

ESTTA Tracking number: **ESTTA351097**

Filing date: **06/04/2010**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91192802  |
| Party                  | Plaintiff<br>Honest Tea, Inc.   |
| Correspondence Address | IRA J. LEVY<br>GOODWIN PROCTER LLP<br>620 EIGHTH AVENUE<br>NEW YORK, NY 10018<br>UNITED STATES<br>NY-TM-Admin@goodwinprocter.com, ilevy@goodwinprocter.com,<br>hdietrick@goodwinprocter.com |
| Submission             | Stipulated/Consent Motion to Extend   |
| Filer's Name           | Ira J. Levy   |
| Filer's e-mail         | NY-TM-Admin@goodwinprocter.com, ilevy@goodwinprocter.com,<br>hdietrick@goodwinprocter.com   |
| Signature              | /ijl/   |
| Date                   | 06/04/2010  |
| Attachments            | motion.pdf ( 3 pages )(968164 bytes )   |

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

|  |
|--|
| <p>HONEST TEA, INC.</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">vs-</p> <p>IDAHOAN FOODS, LLC.</p> <p style="text-align: center;">Applicant.</p> |
|--|

Opposition Nos 91192802  
91192804

S.N. 77977365  
S.N. 77348528

Filed November 25, 2009

**FOURTH RENEWED MOTION ON CONSENT FOR EXTENSION  
OF DISCOVERY AND TRIAL DATES**

BOX TTAB – NO FEE  
Commissioner for Trademarks  
P.O. Box 1451, Alexandria, Virginia 22313-1451

Sir:

Opposer, Honest Tea, Inc., by its attorneys, hereby moves for an extension of time of thirty (30) days of the discovery and testimony periods as set forth below:

| Matter                                  | Current Date | Proposed Date |
|---|--------------|---------------|
| Initial Disclosures Due                 | 6/5/2010     | 7/5/2010      |
| Expert Disclosures Due                  | 10/3/2010    | 11/3/2010     |
| Discovery Closes                        | 11/2/2010    | 12/2/2010     |
| Plaintiff's Pretrial Disclosures        | 12/16/2010   | 1/16/2011     |
| Plaintiff's 30-day Trial Period Ends    | 1/31/2011    | 2/31/2011     |
| Defendant's Pretrial Disclosures        | 2/15/2011    | 3/15/2011     |
| Defendant's 30-day Trial Period Ends    | 3/30/2011    | 4/30/2011     |
| Plaintiff's Rebuttal Disclosures        | 4/14/2011    | 5/14/2011     |
| Plaintiff's 15-day Rebuttal Period Ends | 5/13/2011    | 6/13/2011     |

The reason for this request is that the parties continue to engage in discussions that indicate that this matter may be resolved amicably and in a reasonably short time. At the time of this filing, a draft agreement has undergone rounds of review and negotiation by both Opposer and Applicant. Currently, revisions to Applicant's recent draft are under review with Opposer with the expectation of sending it to Applicant in the near future in furtherance of settlement. An extension of the case schedule will enable the parties to continue and conclude their settlement discussions. This motion is made in good faith, and not for the purpose of unnecessary delay.

Opposer's counsel has secured the express consent of all other parties to this proceeding for this 30-day extension.

Respectfully submitted,

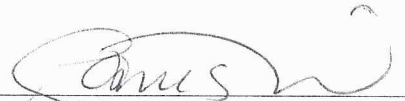
By: Ira Levy  
Ira J. Levy  
GOODWIN PROCTER LLP  
620 Eighth Avenue  
New York, NY 10018  
Tel: (212) 813-8800  
Fax: (212) 355-3333

Attorneys for Opposer  
\_\_\_\_\_

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing MOTION ON CONSENT FOR EXTENSION OF DISCOVERY AND TRIAL DATES was served by first class mail, postage prepaid, this 4<sup>th</sup> day of June, 2010 upon the attorneys of record for the Applicant, as indicated below:

Preston C. Regehr  
Techlaw Ventures, PLLC  
333 S 520 W STE 220  
Lindon, UT 84042-1911

A handwritten signature in black ink, appearing to read "Janis Nici", is written over a horizontal line.

Janis Nici  
Sr. Legal Assistant  
GOODWIN PROCTER LLP  
620 Eighth Avenue  
New York, NY 10018