

ESTTA Tracking number: **ESTTA384953**

Filing date: **12/21/2010**

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

Proceeding.	91194943
Applicant	Defendant Apple & Eve, LLC
Other Party	Plaintiff The Power of Fruit, 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 12/25/2010. Apple & Eve, LLC requests that such date be extended for 30 days, or until 01/24/2011, and that all subsequent dates be reset accordingly.

Time to Answer :	01/24/2011
Deadline for Discovery Conference :	02/23/2011
Discovery Opens :	02/23/2011
Initial Disclosures Due :	03/25/2011
Expert Disclosure Due :	07/23/2011
Discovery Closes :	08/22/2011
Plaintiff's Pretrial Disclosures :	10/06/2011
Plaintiff's 30-day Trial Period Ends :	11/20/2011
Defendant's Pretrial Disclosures :	12/05/2011
Defendant's 30-day Trial Period Ends :	01/19/2012
Plaintiff's Rebuttal Disclosures :	02/03/2012
Plaintiff's 15-day Rebuttal Period Ends :	03/04/2012

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

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

Apple & Eve, 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,  
/Eric Bergner/

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12/21/2010