

ESTTA Tracking number: **ESTTA420756**

Filing date: **07/20/2011**

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 07/23/2011. Apple & Eve, LLC requests that such date be extended for 30 days, or until 08/22/2011, and that all subsequent dates be reset accordingly.

Time to Answer :	08/22/2011
Deadline for Discovery Conference :	09/21/2011
Discovery Opens :	09/21/2011
Initial Disclosures Due :	10/21/2011
Expert Disclosure Due :	02/18/2012
Discovery Closes :	03/19/2012
Plaintiff's Pretrial Disclosures :	05/03/2012
Plaintiff's 30-day Trial Period Ends :	06/17/2012
Defendant's Pretrial Disclosures :	07/02/2012
Defendant's 30-day Trial Period Ends :	08/16/2012
Plaintiff's Rebuttal Disclosures :	08/31/2012
Plaintiff's 15-day Rebuttal Period Ends :	09/30/2012

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/

Eric Bergner

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07/20/2011