

ESTTA Tracking number: **ESTTA551147**

Filing date: **07/30/2013**

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

Proceeding.	91195670
Applicant	Plaintiff Clover Farms Dairy Company
Other Party	Defendant Clover-Stornetta Farms, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

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

The Close of Plaintiff's Trial Period is currently set to close on 09/13/2013. Clover Farms Dairy Company requests that such date be extended for 30 days, or until 10/13/2013, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	08/29/2013
Plaintiff's 30-day Trial Period Ends :	10/13/2013
Defendant's Pretrial Disclosures :	10/28/2013
Defendant's 30-day Trial Period Ends :	12/12/2013
Plaintiff's Rebuttal Disclosures :	12/27/2013
Plaintiff's 15-day Rebuttal Period Ends :	01/26/2014

The grounds for this request are as follows:

- *The parties have been diligent in moving this matter forward, including completion of discovery. The parties are engaged in settlement discussions and are attempting to finalize their negotiations, which not only involve the two applications and registrations that are the subject of this consolidated proceeding, but also another pending application that is currently suspended, through an agreement to establish concurrent registrations in different geographic regions of the United States. The parties have resolved virtually all deal points, exchanged drafts, and are endeavoring to resolve the remaining issues and complete the settlement herein. However, subsequent to the commencement of this proceeding, one of the parties to this proceeding was sued for trademark infringement by a third party in federal court. There are settlement negotiations underway in that district court action, and those discussions may have a bearing on the proposed settlement in this proceeding. The parties respectfully request a 60 day extension of time of all outstanding deadlines so that they can avoid the unnecessary burden and expense of taking testimony, and attempt to complete their negotiations and finalize a written settlement agreement. The*

parties have been informed that the above referenced third party may file a motion seeking to suspend these proceedings. One or both of the parties may file a response brief and reserve the right to oppose any suspension request. Clover Farms Dairy Company has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

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Clover Farms Dairy Company 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 First Class Mail on this date.

Respectfully submitted,

/Tristram R. Fall, III/

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