

ESTTA Tracking number: **ESTTA372469**

Filing date: **10/09/2010**

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

Proceeding.	91196297
Applicant	Defendant Vitality Innovation AS
Other Party	Plaintiff Cargill, Incorporated

## 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 10/10/2010. Vitality Innovation AS requests that such date be extended for 60 days, or until 12/09/2010, and that all subsequent dates be reset accordingly.

Time to Answer :	12/09/2010
Deadline for Discovery Conference :	01/08/2011
Discovery Opens :	01/08/2011
Initial Disclosures Due :	02/07/2011
Expert Disclosure Due :	06/07/2011
Discovery Closes :	07/07/2011
Plaintiff's Pretrial Disclosures :	08/21/2011
Plaintiff's 30-day Trial Period Ends :	10/05/2011
Defendant's Pretrial Disclosures :	10/20/2011
Defendant's 30-day Trial Period Ends :	12/04/2011
Plaintiff's Rebuttal Disclosures :	12/19/2011
Plaintiff's 15-day Rebuttal Period Ends :	01/18/2012

The grounds for this request are as follows:

- *The parties are negotiating a settlement.*

Vitality Innovation AS has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Vitality Innovation AS 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,

/Leon E. Redman/

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