

ESTTA Tracking number: **ESTTA508504**

Filing date: **11/30/2012**

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

Proceeding.	91202762
Applicant	Defendant HEB Grocery Company, LP
Other Party	Plaintiff Hero Nutritional Products LLC

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

The Close of Discovery is currently set to close on 12/03/2012. HEB Grocery Company, LP requests that such date be extended for 60 days, or until 02/01/2013, 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 :	01/02/2013
Discovery Closes :	02/01/2013
Plaintiff's Pretrial Disclosures :	03/18/2013
Plaintiff's 30-day Trial Period Ends :	05/02/2013
Defendant's Pretrial Disclosures :	05/17/2013
Defendant's 30-day Trial Period Ends :	07/01/2013
Plaintiff's Rebuttal Disclosures :	07/16/2013
Plaintiff's 15-day Rebuttal Period Ends :	08/15/2013

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

HEB Grocery Company, LP has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

HEB Grocery Company, LP 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,  
/TDS/

Tyson D. Smith

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