

ESTTA Tracking number: **ESTTA655372**

Filing date: **02/11/2015**

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

Proceeding.	91214495
Applicant	Defendant Caffe Vita, Inc.
Other Party	Plaintiff Vitasoy International Holdings Limited
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 Defendant's Trial Period is currently set to close on 02/19/2015. Caffe Vita, Inc. requests that such date be extended for 30 days, or until 03/21/2015, 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 :	CLOSED
Plaintiff's 30-day Trial Period Ends :	CLOSED
Defendant's Pretrial Disclosures :	02/04/2015
Defendant's 30-day Trial Period Ends :	03/21/2015
Plaintiff's Rebuttal Disclosures :	04/05/2015
Plaintiff's 15-day Rebuttal Period Ends :	05/05/2015

The grounds for this request are as follows:

- Pursuant to the schedule of dates issued by the Board on January 15, 2014, Applicant's trial period is set to end on February 19, 2015. Applicant initially noted the deposition of its Chief Executive Officer Michael McConnell to take place on February 5, 2015, at 11:00 P.S.T. However, Opposer's counsel could not attend the deposition at either this time nor the alternative proposed time of February 9, 2015. Despite their joint efforts, the parties have been unable to reschedule the deposition of Mr. McConnell to take place before the current closing date of Applicant's testimony period. The parties jointly request that the Applicant's trial period be extended from February 19, 2015 to March 21, 2015, solely for the purpose of conducting the deposition of Mr. McConnell, and that the parties' rebuttal periods are rescheduled accordingly. Good cause exists for the requested extension, which is requested in good faith and not for purposes of delay.

Caffe Vita, Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Caffe Vita, Inc. 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,

/Theresa H. Wang/

Theresa H. Wang, WSBA No. 39784

ttab@stokeslaw.com

Suzanne.Hengl@bakerbotts.com

02/11/2015