

ESTTA Tracking number: **ESTTA713144**

Filing date: **12/07/2015**

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

Proceeding.	91224707
Applicant	Defendant Niagara Bottling, LLC
Other Party	Plaintiff ConAgra Foods RDM, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

## 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 12/14/2015. Niagara Bottling, LLC requests that such date be extended for 60 days, or until 02/12/2016, and that all subsequent dates be reset accordingly.

Time to Answer :	02/12/2016
Deadline for Discovery Conference :	03/13/2016
Discovery Opens :	03/13/2016
Initial Disclosures Due :	04/12/2016
Expert Disclosure Due :	08/10/2016
Discovery Closes :	09/09/2016
Plaintiff's Pretrial Disclosures :	10/24/2016
Plaintiff's 30-day Trial Period Ends :	12/08/2016
Defendant's Pretrial Disclosures :	12/23/2016
Defendant's 30-day Trial Period Ends :	02/06/2017
Plaintiff's Rebuttal Disclosures :	02/21/2017
Plaintiff's 15-day Rebuttal Period Ends :	03/23/2017

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

Niagara Bottling, LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Niagara Bottling, 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,  
/Lindsay J. Hulley/

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