

ESTTA Tracking number: **ESTTA965558**

Filing date: **04/08/2019**

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

Proceeding No.	91231833
Filing Party	Plaintiff Birds Eye Foods, LLC
Other Party	Defendant Hawaiian Chip Company LLC
Pending Motion	There is no motion currently pending and no other motion is being filed concurrent with this consent motion.

### Consent Motion to Extend

The Discovery Closes is currently set to close on 04/13/2019. Birds Eye Foods, LLC requests that such date be extended for 30 days, or until 05/13/2019, and that all subsequent dates be reset accordingly.

Answer to Counterclaim Due	08/21/2017 (CLOSED)
Deadline for Discovery Conference	09/20/2017 (CLOSED)
Discovery Opens	09/20/2017 (CLOSED)
Initial Disclosures Due	10/20/2017 (CLOSED)
Expert Disclosures Due	10/15/2018 (CLOSED)
Discovery Closes	05/13/2019
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	06/27/2019
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	08/11/2019
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	08/26/2019
30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	10/10/2019
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	10/25/2019
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	12/09/2019
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	12/24/2019
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	01/23/2020
Opening Brief for Party in Position of Plaintiff in Original Claim Due	03/23/2020
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	04/22/2020
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	05/22/2020
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	06/06/2020
Request for Oral Hearing (optional) Due	06/16/2020

The grounds for this request are as follows:

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

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

### **Certificate of Service**

The undersigned hereby certifies that a copy of this filing has been served upon all parties, at their address of record by Email on this date.

Respectfully submitted,  
/Michelle L. Visser/  
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04/08/2019