

ESTTA Tracking number: **ESTTA946986**

Filing date: **01/11/2019**

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

Proceeding No.	91235518
Filing Party	Plaintiff Birds Eye Foods LLC
Other Party	Defendant Robert Wallace DBA Del Rio Vineyards, 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 Expert Disclosures Due is currently set to close on 03/29/2019. Birds Eye Foods LLC requests that such date be extended for 30 days, or until 04/28/2019, and that all subsequent dates be reset accordingly.

Time to Answer	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	04/28/2019
Discovery Closes	05/28/2019
Plaintiff's Pretrial Disclosures Due	07/12/2019
Plaintiff's 30-day Trial Period Ends	08/26/2019
Defendant's Pretrial Disclosures Due	09/10/2019
Defendant's 30-day Trial Period Ends	10/25/2019
Plaintiff's Rebuttal Disclosures Due	11/09/2019
Plaintiff's 15-day Rebuttal Period Ends	12/09/2019
Plaintiff's Opening Brief Due	02/07/2020
Defendant's Brief Due	03/08/2020
Plaintiff's Reply Brief Due	03/23/2020
Request for Oral Hearing (optional) Due	04/02/2020

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

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,  
/Linda Monge Callaghan/  
Linda Monge Callaghan

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01/11/2019