

ESTTA Tracking number: **ESTTA920753**

Filing date: **09/07/2018**

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

Proceeding	91238728
Party	Plaintiff Birds Eye Foods LLC
Correspondence Address	LINDA MONGE CALLAGHAN FISHMAN STEWART PLLC 39533 WOODWARD AVE STE 140 BLOOMFIELD HILLS, MI 48304 UNITED STATES tmdocketing@fishstewip.com, lcallaghan@fishstewip.com 248-594-0600
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Linda Monge Callaghan
Filer's email	lcallaghan@fishstewip.com, tmdocketing@fishstewip.com, mfeather@fishstewip.com
Signature	/Linda Monge Callaghan/
Date	09/07/2018
Attachments	R1603584.PDF(140130 bytes )

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

BIRDS EYE FOODS LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91238728
	)	Application Serial Nos. 87/168679 and
	)	87/168692
PARIS CROISSANT CO., LTD.,	)	Mark: C@W (STYLIZED)
	)	
Applicant.	)	
_____	)	

**UNOPPOSED MOTION TO EXTEND AND RESET  
DISCOVERY AND TESTIMONY PERIODS**

Opposer, through its below attorneys, hereby move the Board for a thirty (30) day extension of all deadlines in this proceeding. In addition, pursuant to 37 CFR §2.121(d), Opposer requests the discovery and testimony periods be extended by thirty (30) days.

Pursuant to the grant of this Motion, the new dates would be as follows:

Initial Disclosures Due	10/10/2018
Expert Disclosures Due	02/07/2019
Discovery Closes	03/09/2019
Plaintiff's Pretrial Disclosures	04/23/2019
Plaintiff's 30-day Trial Period Ends	06/07/2019
Defendant's Pretrial Disclosures	06/22/2019
Defendant's 30-day Trial Period Ends	08/06/2019

Plaintiff's Rebuttal Disclosures

08/21/2019

Plaintiff's 15-day Rebuttal Period Ends

09/20/2019

Applicant and Opposer are in communication and are negotiating terms of a potential settlement. The extended dates will give the parties the opportunity to continue negotiations. In view of the foregoing, good cause has been shown for this request and it is respectfully requested that this Motion be granted.

Counsel for Applicant, Miriam Trudell, has consented to this Motion.

Respectfully submitted,

Dated: September 7, 2018

By: 

Linda Monge Callaghan  
Michael D. Fishman  
FISHMAN STEWART PLLC  
*Attorneys for Opposer*  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, Michigan 48304  
Telephone: (248) 594-0600  
Facsimile: (248) 594-0610

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing UNOPPOSED MOTION TO EXTEND AND RESET DISCOVERY AND TESTIMONY PERIODS upon Applicant by causing a true and correct copy thereof to be sent via email to [mtrudell@sheridanross.com](mailto:mtrudell@sheridanross.com).

Date: September 7, 2018



Linda Monge Callaghan