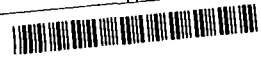


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10-30-2000
U.S. Patent & TMO/TM Mail Rcpt Dt. #57

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

BALANCE BAR COMPANY,)
)
 Petitioner,)
)
 v.)
)
 BALANCE NUTRITION, LLC,)
)
 Registrant.)

*BB
AWP
24 Nov. 00*
Cancellation No. 28,520

**MOTION WITH CONSENT TO EXTEND DISCOVERY
AND TESTIMONY PERIODS**

Registrant hereby moves to extend the discovery period and all subsequent testimony periods for sixty (60) days in the above proceeding as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	December 30, 2000
Testimony period for Petitioner to Close (Opening thirty (30) days prior thereto):	March 30, 2001
Testimony period for Registrant to Close (Opening (30) days prior thereto):	May 29, 2001
Rebuttal Testimony Period to Close (Opening fifteen (15) days prior thereto):	June 28, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Attn: Box TTAB, NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on October 25, 2000.

Yvonne A. Bentele

The petitioner is under new ownership and the parties are discussing settlement. If settlement discussions are not fruitful, the parties reasonably require additional time to complete written discovery and discovery depositions before proceeding with the testimony periods. The parties respectfully submit that this constitutes good cause for the requested extension. Petitioner's attorney, Lucy B. Arant, Esq., consented to this extension.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By: 

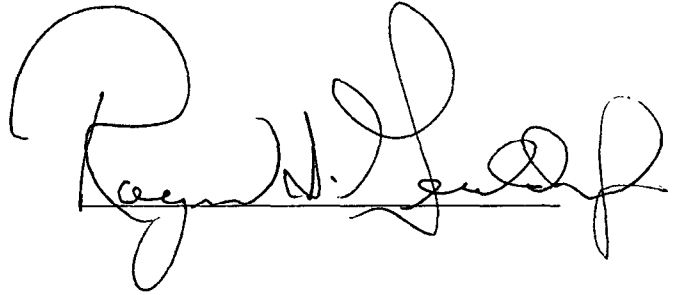
Raymond I. Geraldson, Jr.
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

Attorneys for Registrant

65735.2

CERTIFICATE OF SERVICE

I, Raymond I. Geraldson, Jr., an attorney for registrant, hereby certify that a copy of the foregoing Motion with Consent to Extend Discovery and Testimony Periods was served upon Lucy B. Arant, Esq., Russ, August & Kabat, 12424 Wilshire Boulevard, Suite 1200, Los Angeles, California 90025, this 25th day of October, 2000, by facsimile and first class mail, postage prepaid.

A handwritten signature in black ink, appearing to read "Raymond I. Geraldson, Jr.", written in a cursive style. The signature is positioned to the right of the text block.