

ESTTA Tracking number: **ESTTA54741**

Filing date: **11/23/2005**

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

Proceeding	92044531
Party	Plaintiff THE FRESH MARKET, INC. ,
Correspondence Address	STACEY H. KING FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001
Submission	Stipulated/Consent Motion to Extend
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Signature	/stacey h. king/
Date	11/23/2005
Attachments	The Fresh Market EOT.pdf (3 pages)

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

THE FRESH MARKET, INC,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92044531
)	
FOOD CIRCUS SUPER MARKET, INC.,)	
)	
Registrant.)	
)	

STIPULATION TO EXTEND DISCOVERY AND TESTIMONY DATES

Subject to the approval of the Board, the parties hereby stipulate and request that the Board extend the discovery period by two months and the testimony periods by one month, as set forth below:

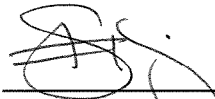
Period for Discovery to Close	February 9, 2006
Testimony period for party in position of plaintiff to close (opening thirty days prior thereto)	April 9, 2006
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	June 8, 2006
Rebuttal testimony period to close (opening fifteen days prior thereto)	July 22, 2006

This request is not filed for purposes of delay. Rather, the additional time is needed for Applicant to complete its responses to Opposer's discovery requests and to allow the parties time to conduct any necessary additional discovery. Applicant's counsel, Max Voltchenko, stipulated to the extension during a telephone conference with Opposer's undersigned counsel on November 18, 2005.

Respectfully submitted,

Dated: November 23, 2005

By:



FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Douglas A. Rettew

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Counsel for Petitioner

The Fresh Market, Inc.

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing STIPULATION TO EXTEND DISCOVERY AND TESTIMONY DATES was served by facsimile and first-class mail, postage prepaid this 23rd day of November 2005 upon counsel for Registrant as follows:

Lewis F. Gould, Jr.
Max Voltchenko
Duane Morris
One Liberty Place
Philadelphia, PA 19103-7398
Facsimile: 215-979-1020

