

ESTTA Tracking number: **ESTTA269339**

Filing date: **02/27/2009**

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

Proceeding	92049844
Party	Defendant AgraQuest, Inc.
Correspondence Address	AgraQuest, Inc. 1530 Drew Avenue Davis, CA 95616 UNITED STATES msamonek@agraquest.com, cevenich@agraquest.com
Submission	Other Motions/Papers
Filer's Name	Michelle L. Samonek Attorney for Def.
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Signature	/mls/
Date	02/27/2009
Attachments	2009-2-25 Extension of Time to Answer Notice of Cancellation.pdf (3 pages) (56733 bytes)

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

In the matter of U.S. Registration No. 2883333
For the Mark: BIOTUNE

Dr. Sadik Tuzun Ph.D)
)
Plaintiff,)
)
v.) Cancellation No. 92049844
)
AgraQuest, Inc.)
)
Defendant.)
_____)

**MOTION FOR EXTENSION OF TIME TO
ANSWER NOTICE OF CANCELLATION WITH CONSENT**

Registrant AgraQuest, Inc. (“AgraQuest”) hereby requests a further extension of fourteen (14) days in which to answer the notice of cancellation filed herein. Pursuant to this request, answer and trial dates, including conferencing, discovery and disclosure dates, are reset as indicated below:

Time to Answer	3/13/2009
Deadline for Discovery Conference	4/12/2009
Discovery Opens	4/12/2009
Initial Disclosures Due	5/12/2009
Expert Disclosures Due	9/9/2009
Discovery Closes	10/9/2009
Plaintiff’s Pretrial Disclosures	11/23/2009
Plaintiff’s 30-day Trial Period Ends	1/7/2010
Defendant’s Pretrial Disclosures	1/22/2010

Defendant's 30-day Trial Period Ends	3/8/2010
Plaintiff's Rebuttal Disclosures	3/23/2010
Plaintiff's 15-day Rebuttal Period Ends	4/22/2010

This extension is required because the parties have reached an agreement in principle and one party needs time to review the other party's attempt to reduce such agreement to writing. In addition, the parties will need time to file the motions required by the agreement, once it is signed. This motion is not made for the purpose of delay and will not prejudice either party.

This motion is made with the consent of Plaintiff, Dr. Sadik Tuzun Ph.D, which consent was given by him via email on February 25, 2009.

Respectfully submitted,

Date: 2/27/2009

/mls/

Michelle L. Samonek
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