

ESTTA Tracking number: **ESTTA286365**

Filing date: **05/28/2009**

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

Proceeding	92049968
Party	Plaintiff Kieu Phan
Correspondence Address	Dwayne K. Goetzel Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P. O. Box 398 Austin, TX 78767-0398 UNITED STATES dkgpto@intprop.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Dwayne K. Goetzel
Filer's e-mail	dkgpto@intprop.com
Signature	/Dwayne K. Goetzel/
Date	05/28/2009
Attachments	Agreed Mtn to Amend Trial Order.pdf (2 pages)(54523 bytes)

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

In the Matter of Registration No. 3,092,522 owned by A.R. Neuburger, Inc. d/b/a Guardian
Products for the Mark: **Bra Saver**; International Class 22; Registered on May 16, 2006

Kieu Phan, an Individual)	
)	
Petitioner)	
)	
v.)	Cancellation No.: 92049968
)	
A.R. Neuburger, Inc.)	
d/b/a Guardian Products)	
)	
Respondent)	
)	

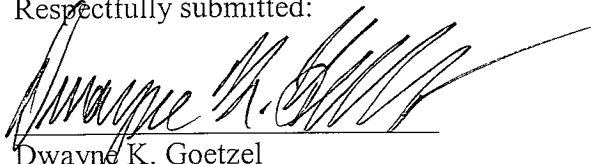
AGREED MOTION TO AMEND TRIAL ORDER

The parties in the instant cancellation proceeding file this agreed motion and respectfully request the Trademark Trial and Appeal Board to amend the scheduling or trial order accordingly. The parties need additional time to address various discovery matters, and propose that the trial dates be set as follows:

Discovery Closes	7/31/09
Plaintiff's Pretrial Disclosures	9/15/09
Plaintiff's 30-day Trial Period Ends	10/29/09
Defendant's Pretrial Disclosures	11/13/09
Defendant's 30-day Trial Period Ends	12/28/09
Plaintiff's Rebuttal Disclosures	1/12/10
Plaintiff's 15-day Rebuttal Period Ends	2/12/10

I spoke to Ms. Billie Raney of Townsend and Townsend and Crew on May 27, 2009 regarding this matter, and Ms. Raney, on behalf of A.R. Neuburger, Inc. d/b/a Guardian Products, and Marc Gorelnik, attorney of record for Respondent, agreed with this request.

Respectfully submitted:



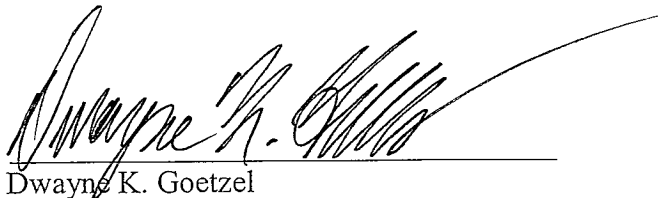
Dwayne K. Goetzel
Texas State Bar No. 08059500
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**ATTORNEYS FOR PETITIONER
KIEU PHAN, AN INDIVIDUAL**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Agreed Motion to Amend Trial Order* has been sent via first class mail, postage prepaid to:

Marc M. Gorelnik
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111



Dwayne K. Goetzel

On this 28th day of May 2009.