

ESTTA Tracking number: **ESTTA249667**

Filing date: **11/18/2008**

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

Proceeding	92050033
Party	Plaintiff Nature's Way Products, Inc.
Correspondence Address	Robyn L. Phillips WORKMAN NYDEGGER 60 East South Temple, Ste. 1000 Salt Lake City, UT 84111 UNITED STATES rphillips@wnlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Robyn L. Phillips
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Signature	/Robyn L. Phillips/
Date	11/18/2008
Attachments	10265_191 Stipulate Motion for an Extension.pdf ( 3 pages )(96974 bytes )

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

In the matter of Trademark Registration No. 3,194,667  
Registration Date: January 2, 2007  
Mark: ZACOL NMX with design  
International Class: 005

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<b>NATURE’S WAY PRODUCTS, INC.,</b>	)	Cancellation No. 92050033
	)	
Petitioner,	)	
	)	
v.	)	<b>STIPULATED MOTION FOR AN</b>
	)	<b>EXTENSION OF DATES IN</b>
<b>COSMO TECHNOLOGIES, LTD.,</b>	)	<b>SCHEDULING ORDER AND TIME</b>
	)	<b>TO FILE AN ANSWER</b>
Registrant.	)	
	)	

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Petitioner Nature’s Way Products, Inc. and Registrant Cosmo Technologies, Ltd., hereby respectfully move for a ninety (90) day extension of the due dates in the Scheduling Order mailed October 9, 2008. Registrant’s Answer is currently due November 18, 2008. The requested extension will make the Answer or other responsive pleading due February 16, 2009 as shown below.

The requested extension is necessary to allow the parties to maintain the status quo while considering potential terms of settlement. The parties have exchanged a draft of a settlement agreement. The requested extension allows the parties time to continue the negotiations and if successful to obtain the needed signatures.

Registrant's counsel has been contacted regarding the present stipulation and the undersigned certifies that all counsel agree to the new dates set forth below. Petitioner's attorney has been authorized to submit this document on behalf of, and with the consent of, both parties to this Cancellation proceeding.

Time to Answer	February 16, 2009
Deadline for Discovery Conference:	March 18, 2009
Discovery Opens:	March 18, 2009
Initial Disclosures Due:	April 17, 2009
Expert Disclosures Due:	August 15, 2009
Discovery Period is to close:	September 14, 2009
Plaintiff's Pretrial Disclosures:	October 29, 2009
Plaintiff's 30-day Trial Period Ends:	December 13, 2009
Defendant's Pretrial Disclosures:	December 28, 2009
Defendant's 30-day Trial Period Ends:	February 11, 2010
Plaintiff's Rebuttal Disclosures:	February 26, 2010
Plaintiff's 15-day Rebuttal Period Ends:	March 28, 2010

DATED this 18<sup>th</sup> day of November, 2008.

By: /Robyn L. Phillips/  
Robyn L. Phillips, Reg. No. 39,330

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Attorneys for Petitioner  
Nature's Way Products, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **STIPULATED MOTION FOR AN EXTENSION OF DATES IN SCHEDULING ORDER AND TIME TO FILE AN ANSWER** was served on Registrant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid this 18<sup>th</sup> day of November, 2008, in an envelope addressed as follows:

Joerg-Uwe Szipl  
Griffin & Szipl, PC  
Suite PH-1  
2300 9th Street South  
Arlington, Virginia 22204

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/Robyn L. Phillips/

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