

ESTTA Tracking number: **ESTTA266537**

Filing date: **02/13/2009**

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
Filer's e-mail	rphillips@wnlaw.com, docketing@wnlaw.com
Signature	/Robyn L. Phillips/
Date	02/13/2009
Attachments	10265_191 Motion for Extension.pdf (3 pages)(97387 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

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

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 November 19, 2008. Registrant’s Answer is currently due February 16, 2009. The requested extension will make the Answer or other responsive pleading due May 17, 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 which has the potential to resolve the present action. 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	May 17, 2009
Deadline for Discovery Conference:	June 16, 2009
Discovery Opens:	June 16, 2009
Initial Disclosures Due:	July 16, 2009
Expert Disclosures Due:	November 13, 2009
Discovery Period is to close:	December 13, 2009
Plaintiff's Pretrial Disclosures:	January 27, 2010
Plaintiff's 30-day Trial Period Ends:	March 13, 2010
Defendant's Pretrial Disclosures:	March 28, 2010
Defendant's 30-day Trial Period Ends:	May 12, 2010
Plaintiff's Rebuttal Disclosures:	May 27, 2010
Plaintiff's 15-day Rebuttal Period Ends:	June 26, 2010

DATED this 13th day of February, 2009.

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

WORKMAN | NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

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 13th day of February, 2009, in an envelope addressed as follows:

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

/Robyn L. Phillips/

2275540_1.DOC