

ESTTA Tracking number: **ESTTA664314**

Filing date: **04/01/2015**

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

Proceeding.	92060942
Applicant	Defendant Vitacost.com Inc.
Other Party	Plaintiff Cowboy NSI, LLC
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Defendant's Time to Answer is currently set to close on 04/06/2015. Vitacost.com Inc. requests that such date be extended for 30 days, or until 05/06/2015, and that all subsequent dates be reset accordingly.

Time to Answer :	05/06/2015
Deadline for Discovery Conference :	06/05/2015
Discovery Opens :	06/05/2015
Initial Disclosures Due :	07/05/2015
Expert Disclosure Due :	11/02/2015
Discovery Closes :	12/02/2015
Plaintiff's Pretrial Disclosures :	01/16/2016
Plaintiff's 30-day Trial Period Ends :	03/01/2016
Defendant's Pretrial Disclosures :	03/16/2016
Defendant's 30-day Trial Period Ends :	04/30/2016
Plaintiff's Rebuttal Disclosures :	05/15/2016
Plaintiff's 15-day Rebuttal Period Ends :	06/14/2016

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

Vitacost.com Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Vitacost.com Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
/Michelle L. Mehok/

Michelle L. Mehok
sftrademarks@pillsburylaw.com, michelle.mehok@pillsburylaw.com, richard.kirkpatrick@pillsburylaw.com, ryan.kwock@pillsburylaw.com
lmn@h2law.com
04/01/2015