

ESTTA Tracking number: **ESTTA841984**

Filing date: **08/25/2017**

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

Proceeding	92063578
Party	Defendant Kettle Foods, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	08/25/2017
Attachments	Consented Motion to Extend - FULLY LOADED BAKED POTATO.pdf(130918 bytes)

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

**In the Matter of Registration No. 4,000,266
Issued on July 26, 2011
Mark: FULLY LOADED BAKED POTATO**

IDAHOAN FOODS, LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92063578
)	
KETTLE FOODS, INC.,)	
)	
Registrant.)	

**CONSENTED MOTION TO EXTEND
DISCOVERY AND TESTIMONY PERIODS**

Kettle Foods, Inc. (“Registrant”) hereby moves, with the consent of Idahoan Foods, LLC (“Petitioner”), for a 30-day extension of the discovery and testimony periods in this proceeding. The parties exchanged proposed settlement agreements on May 30, 2017 and on June 6, 2017. A telephone conference was held on June 27, 2017 during which counsel for both parties discussed settlement terms and additional time is needed to complete their discussions and finalize the settlement agreement. This motion is not filed for purposes of delay.

On August 25, 2017, Preston Regehr, Petitioner’s counsel, consented to this motion. Accordingly, Registrant respectfully requests that the Board reset the dates in this proceeding as follows:

	Current Date	Proposed Date
Time to Answer	08/27/2017	09/26/2017
Deadline for Discovery Conference	09/26/2017	10/26/2017
Discovery Opens	09/26/2017	10/26/2017
Initial Disclosures Due	10/26/2017	11/25/2017
Expert Disclosures Due	02/23/2018	03/25/2018
Discovery Period To Close	03/25/2018	04/24/2018
Plaintiff’s Pretrial Disclosures	05/09/2018	06/08/2018
Plaintiff’s 30-day Trial Period Ends	06/23/2018	07/23/2018
Defendant’s Pretrial Disclosures	07/08/2018	08/07/2018
Defendant’s 30-day Trial Period Ends	08/22/2018	09/21/2018
Plaintiff’s Rebuttal Disclosures	09/06/2018	10/06/2018
Plaintiff’s 15-day Rebuttal Period Ends	10/06/2018	11/05/2018

This 25th day of August, 2017.

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

/Randel S. Springer/

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Attorneys for Kettle Foods, Inc.

CERTIFICATE OF SERVICE

I do hereby certify that on August 25, 2017, a copy of the foregoing CONSENTED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS is being served *by email* on:

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/Laurie A. Ricci/

Laurie A. Ricci, Senior Paralegal