

ESTTA Tracking number: **ESTTA280579**

Filing date: **04/28/2009**

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

Proceeding	94002389
Party	Applicant Theme Food Inc.
Correspondence Address	Michael A. Cornman Schweitzer Cornman Gross & Bondell LLP 292 Madison Ave Fl 19 New York, NY 10017-6313 UNITED STATES mac@scgb-law.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Michael A. Cornman
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Date	04/28/2009
Attachments	Stip Motion to Extend 4-28-09.pdf ( 4 pages )(108256 bytes )

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

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Live Bait, LLC, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. ) Concurrent Use Proceeding  
 ) No. 94002389  
 )  
Theme Food Inc. )  
 )  
 ) Defendant. )  
 )  
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Live Bait, LLC, )  
 )  
 ) Opposer, )  
 )  
 ) v. ) Opposition No. 91189035  
 ) Opposition No. 91189036  
 )  
 )  
Theme Food Inc. ) In re Serial Nos. 78568256  
 ) and 78568268  
 ) Applicant. )  
 )  
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**STIPULATED MOTION TO EXTEND**

Pursuant to the TTAB order dated April 11, 2009, Theme Food Inc.'s time to file its answer in Opposition Nos. 91189035 and 91189035 as well as in Concurrent Use Proceeding No. 94002389 is due on April 28, 2009. Theme Food Inc. hereby requests a sixty (60) day extension of time to answer or otherwise move and that all subsequent conferencing, disclosures, discovery and testimony deadlines be reset accordingly. The new deadlines are as follows:

Time to Answer:	June 27, 2009
Deadline for Discovery Conference:	July 27, 2009
Discovery Opens:	July 27, 2009
Initial Disclosures Due:	August 26, 2009
Expert Disclosures Due:	December 24, 2009
Discovery Closes	January 23, 2010
Plaintiff's Pretrial Disclosures	March 9, 2010
Plaintiff's 30-day Trial Period Ends	April 23, 2010
Defendant's Pretrial Disclosures	May 8, 2010
Defendant's 30-day Trial Period Ends	June 22, 2010
Plaintiff's Rebuttal Disclosures	July 7, 2010
Plaintiff's 15-day Rebuttal Period Ends	August 6, 2010

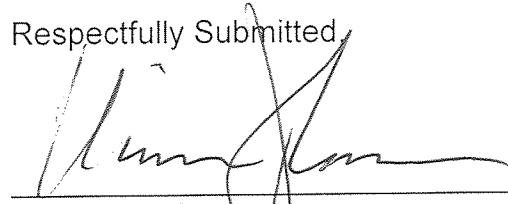
This extension request does not pertain to the time for Live Bait, LLC to amend its concurrent use statement to identify Theme Food's territory of use due on May 11, 2009 as provided in the Order dated April 11, 2009.

Live Bait, LLC's attorney agreed to this extension on April 28, 2009. It is noted that the TTAB had previously agreed on such an extension request in Opposition Proceedings Nos. 91189035 and 91189036 but the order issued on the parties' motion to consolidate modified the prior extensions granted by the TTAB. This motion is made in order to allow the parties to conduct settlement negotiations. The motion is made in good faith and without any intent to cause delay or prejudice.

Dated: April 28, 2009

Respectfully Submitted,

By

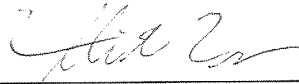
A handwritten signature in black ink, appearing to read "Michael A. Cornman", written over a horizontal line.

Michael A. Cornman  
LADAS & PARRY LLP  
Attorneys For Theme Food Inc.  
26 West 61st Street  
New York, NY 10023  
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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2009 a true copy of the foregoing stipulated motion to extend has been served by first class mail, postage prepaid, to Live Bait, LLC's attorneys at the following address:

David R. Burkholder  
Balch & Bingham LLP  
1901 6th Ave N, Suite 1500  
Birmingham, AL 35203-2618



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Elliot W. Lipins