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

Baxter International Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91150298
)	Application No. 76/151,380
Inviro Medical Devices, Ltd.)	
)	
Applicant.)	



12-23-2003

U.S. Patent & T.Ofo/TM Mail Ropt Dt. #22

**OPPOSER'S CONSENTED TO MOTION TO
EXTEND DISCOVERY CUT OFF FOR LIMITED PURPOSES AND TO RESET
TRIAL TESTIMONY AND BRIEFING DATES**

In accordance with 37 C.F.R. § 2.127, and T.B.M.P. § 509, Opposer, Baxter International, Inc., moves this Board to grant an extension to the current discovery cut-off for certain limited purposes, resetting such cut off for January 17, 2004.

1. In accordance with the Board Order of September 25, 2003, the current discovery deadline is set for December 17, 2003.
2. Both parties have now exchanged discovery requests and responses and both parties have taken the depositions of relevant parties.
3. However, as the depositions have just recently occurred (three of the four depositions taken in this case occurred on December 15 and 16, 2003), and certain documents and things were requested by the deposing party, Baxter believes it would be beneficial if each party was given an additional 30 days in which to gather and produce those specific documents and items requested in the depositions, and to take document authentication depositions if the parties cannot agree on authenticity stipulations.

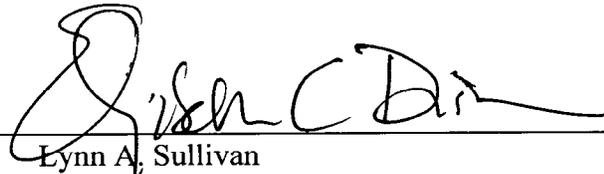
4. Baxter's counsel and Inviro's counsel spoke on December 17, 2003 and Inviro's counsel has reviewed and consented to this motion. Therefore, Opposer brings this motion with Applicant's consent.

WHEREFORE, Opposer respectfully moves this Board to extend the current discovery cut-off by thirty days to January 17, 2004 for the limited purposes set forth above, and a corresponding resetting of the trial testimony periods and briefing periods. Attached hereto is a proposed Order setting forth the requested rescheduling.

Respectfully submitted,

Date:

Dec. 17, 2003



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BOARD ORDER

The Board hereby grants Opposer's Consented to Motion to Extension of Discovery
Cut Off and Extend Testimony Dates, and re-sets the schedule as follows:

30 Day testimony period for party in position of plaintiff to close: 4/16/04

30 Day testimony period for party in position of defendant in the opposition and
plaintiff in the counterclaim to close: 6/15/04

30 Day rebuttal testimony period for defendant in the counterclaim and plaintiff in
the opposition to close: 8/14/04

15 Day rebuttal testimony period for party in position of plaintiff in the
counterclaim to close: 9/28/04

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S CONSENTED TO MOTION TO EXTEND DISCOVERY CUT OFF FOR LIMITED PURPOSES AND TO RESET TRIAL TESTIMONY AND BRIEFING DATES** was served on this 17th day of December, 2003, via facsimile and via United States Mail, first class postage prepaid, to:

Duane M. Byers
Nixon & Vanderhye P.C.
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714

Jessica T. Huth

CERTIFICATE OF MAILING

I hereby certify that **OPPOSER'S CONSENTED TO MOTION TO EXTEND DISCOVERY CUT OFF FOR LIMITED PURPOSES AND TO RESET TRIAL TESTIMONY AND BRIEFING DATES** is being deposited (in triplicate) with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Trademarks, 2900 Crystal Drive, Box TTAB NO FEE, Arlington, Virginia 22202-3514.

Date: 12/17/2003

Jessica T. Hahn