

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: November 21, 2006

Opposition No. 91121040
Opposition No. 91150372
Opposition No. 91150379
Opposition No. 91152313
Opposition No. 91153103
Opposition No. 91155927
Opposition No. 91157465
Opposition No. 91157610
Opposition No. 91157698
Cancellation No. 92031932

Osho Friends International

v.

Osho International Foundation

Andrew P. Baxley, Interlocutory Attorney:

The parties' stipulation (filed November 20, 2006) to resume proceedings herein following the completion of applicant's testimony depositions upon written questions is approved. Proceedings are hereby resumed.

Inasmuch as opposer, in the Board's August 30, 2005 order, was allowed a full thirty-day testimony period following completion of its testimony depositions upon written questions, the Board deems it appropriate to allowed applicant a full thirty-day testimony period following the completion of its testimony depositions upon written questions.

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The Board turns next to applicant's motion to extend the closing date of its testimony period, which was incorporated into the stipulation to resume. Notwithstanding opposer's opposition to such motion, the Board finds that, because applicant's principal witness, Klaus Steeg, will be out of the United States between December 8, 2006 and January 22, 2007, there is good cause to extend the closing date of applicant's testimony period to February 5, 2007.¹ See Fed. R. Civ. P. 6(b); TBMP Section 509.01 (2d ed. rev. 2004).

In view thereof, applicant's motion to extend the closing date of its testimony period is hereby granted. Remaining testimony periods are reset as follows.

Defendant's 30-day testimony period to close: **2/5/07**

Plaintiff's 15-day rebuttal testimony period to close: **3/22/07**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

¹ The Board notes that applicant did not timely notice the taking of a testimony deposition upon written questions of Mr. Steeg, in the ten days following the December 31, 2005 commencement of applicant's testimony period. See Trademark Rule 2.124(b)(1). Therefore, applicant must take Mr. Steeg's testimony deposition by oral examination.

The Board further notes that, when resuming proceedings following completion of testimony depositions upon written questions, the Board generally resets remaining testimony periods so that they commence roughly one month after the issuance of the resumption order. Thus, without the extension, applicant's testimony period would have been reset to close in late January 2007, and any delay caused by extending applicant's testimony period is insignificant.

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on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.