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

Proceeding	91158447
Party	Defendant Gapardis, Inc. Gapardis, Inc. 7494 NW 54th Street Miami, FL 33166
Correspondence Address	Scott R. Austin Arnstein & Lehr Suite 600 515 N. Flagler Drive West Palm Beach, FL 33401-4323
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Scott R. Austin
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Signature	/sra/
Date	03/28/2005
Attachments	GapardisMoextimemarch2005.pdf (4 pages)

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

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GAPARDIS HEALTH & BEAUTY, INC. : :
: :
Opposer, : : Opposition No. 91158447
: :
v. : :
GAPARDIS, INC. : :
: :
Applicant. : :
: :
----- X

**MOTION ON CONSENT FOR EXTENSION
OF TIME TO RESPOND TO REQUEST FOR PRODUCTION
AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS**

Applicant, Gapardis, Inc. (hereinafter referred to as "Applicant" or "Gapardis") by and through its attorneys, Arnstein & Lehr LLP, with the consent of Gapardis Health & Beauty, Inc. (hereinafter referred to as "Opposer"), hereby moves for a thirty day extension to April 27, 2005 of the time in which to file its Response to Opposer's First Request for Production ("Request"); and, with the consent of Opposer, hereby moves for a thirty day extension of the Discovery and Testimony Periods as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: April 27, 2005

Testimony Period for party in position of plaintiff to close (opening thirty days prior thereto): July 24, 2005

Testimony Period for party in position of defendant to close (opening thirty days prior thereto):

September 23, 2005

Rebuttal Testimony Period to close (opening fifteen days prior thereto):

November 7, 2005

Additional time is needed by Applicant to respond to the Request in good faith in order to locate the documents set forth in the Request, and for the Applicant to confer with its counsel, and to determine and prepare a proper response.

Additional time is needed for the Discovery and Testimony Periods because the parties have been considering options for a settlement proposal up to the end of 2004 and now need additional time to consider the requirements for the development of an effective litigation strategy. This extension is also required because further time is necessary to complete discovery.

Counsel for Opposer, David M. Rogero consented to the extensions requested herein during a telephone conference with counsel for Applicant, Scott R. Austin, on March 16, 2005.

In light of the foregoing, Applicant respectfully requests that the Board grant Applicant's Motion and extend the time for Applicant to respond to the Request to April 27, 2005 and extend the Discovery and Testimony Periods to the respective dates set forth above.

Dated: March 28, 2005
Boca Raton, Florida

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Respectfully submitted,

/SRA/ _____ (L.S.)

Scott R. Austin, Esq.

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Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing **APPLICANT'S MOTION ON CONSENT FOR EXTENSION OF TIME TO RESPOND TO REQUEST FOR PRODUCTION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS** was served upon counsel for Opposer this 28th day of March, 2005 by First Class Mail, postage prepaid, as follows:

David M. Rogero, Esq.
2600 Douglas Road
Suite 600
Coral Gables, Florida 33134

/SRA/ (L.S.)
Scott R. Austin