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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	Motion to Extend
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Date	05/10/2004
Attachments	Mo2XGapardis.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,
v.
GAPARDIS, INC.
Applicant.
----- X

Opposition No. 91158447

**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 June 9, 2004 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: July 1, 2004

Testimony period for party in position of
plaintiff to close (opening thirty days prior
thereto): September 29, 2004

Testimony period for party in position of
defendant to close (opening thirty days prior
thereto): November 28, 2004

Rebuttal testimony period to close (opening fifteen days prior thereto):

January 12, 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 counsel for Opposer has communicated a settlement proposal to counsel for Applicant to consider. This extension is required because further time is necessary to determine whether settlement is possible and, if not, 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 May 7, 2004.

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 June 9, 2004 and extend the Discovery and Testimony Periods to the respective dates set forth above.

Dated: May 10, 2004
Boca Raton, Florida

[ELECTRONICALLY FILED
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on the PTOnet May 10, 2004]

Respectfully submitted,

/SRA/ (Is)

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 10th day of May, 2004 by First Class Mail, postage prepaid, as follows:

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

/SRA/(Is) _____
Scott R. Austin