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

In the Matter of Trademark Application
Serial No. 76/498,101
for the mark **PHATMUSCLE**

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PHAT FASHIONS LLC,	:	
	:	
Opposer,	:	Opposition No. 91161466
	:	
-against-	:	
	:	
LOPEZ, GABRIEL R.,	:	
	:	
Applicant.	:	
-----X	:	

**REQUEST TO EXTEND DISCOVERY, TESTIMONY
AND BRIEFING PERIODS, ON CONSENT**

Opposer, Phat Fashions LLC, and Applicant Gabriel R. Lopez, request an extension of the discovery, testimony and briefing periods for three (3) months on the grounds that the parties require additional time to pursue and complete discovery.

The parties have been attempting to resolve this Opposition on an amicable basis and have been negotiating in good faith. The additional time requested will allow the parties to complete those discussions and to pursue discovery, if necessary. This is the parties' first request for an extension of the discovery, testimony and briefing periods after the July 27, 2004 Order setting the discovery, testimony and briefing periods.



The discovery, testimony and briefing periods will be revised as follows:

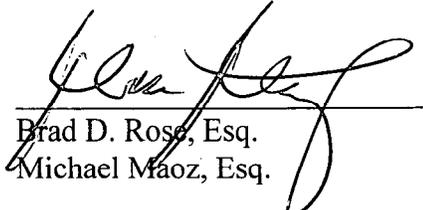
Discovery Period to close:	May 12, 2005
Testimony period for party in position of plaintiff to close: (opening thirty day prior thereto)	August 13, 2005
Testimony period for party in position of defendant to close: (opening thirty day prior thereto)	October 12, 2005
Rebuttal testimony period to close: (opening fifteen days prior thereto)	November 26, 2005

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.

Consent to this extension of the current discovery, testimony and briefing periods was granted by Richard S. Vermut, Esq., counsel for Applicant, in a telephone call with Michael Maoz, Esq., counsel for Opposer on February 3, 2005.

Respectfully submitted,

Dated: February 14, 2005


Brad D. Rose, Esq.
Michael Maoz, Esq.

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Attorneys for Opposer,
Phat Fashions LLC

Certificate of Mailing by Express Mail

"Express Mail" mailing label No. ED 130150050 US

I, Anna Maria Pellizzari, hereby certify that a true and correct copy of a REQUEST TO EXTEND DISCOVERY, TESTIMONY AND BRIEFING PERIODS, ON CONSENT is being served by "Express Mail" by depositing the same as Express Mail with the United States Postal Service and addressed to counsel of record for Applicant Gabriel R. Lopez, on February 14, 2005 at the address set forth below:

U.S. Patent & Trademark Office
Trademark Trial & Appeal Board
Madison West Building
600 Dulany St.
Alexandria, VA 22314

Signed: _____

