

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22202-3513

TTAB

Mailed: August 26, 2005
Attn: Cindy B. Greenbaum

Opposition No. 91161603
Serial No. 78320975

Submission Number 6

On 06/28/05 we read the Board's submission "mot to compel denied."

This meant to us that the "Trial Dates Reset" on 03/10/05 was being upheld and the discovery period closed on 06/15/05.

On July 4, 2005, we received from the Opposer a request for discovery dated 07/01/05.

We rechecked the Board's "mot to compel denied", as well as the "Trail Dates Reset" and read that the discovery period was closed and we were presently in the first "Thirty-day testimony period." Apparently the Opposer was either ignorant of or confused.

On 07/08/05, we received by mail from the Board¹, "Trial Dates Reset."

We believed this to be a fair decision and anticipated a new request from the Opposer within the reset discovery period.

On August 25, 2005, we received a new request from the Opposer. The discovery period closes August 31, 2005, which is only six days away. Pursuant to Rule 34 of the Federal Rules of Civil Procedures and Rule 2.120 of the Trademark Rules of Practice, BioCentric Laboratories must be given 30 days to collect and respond to a request.

We submit this to the Board in anticipation of the Opposers further excuses for the continued failure to familiarize itself with the proceedings.

Sincerely,



Rebecca Spaar
CEO
BioCentric Laboratories, Inc.

RS/av

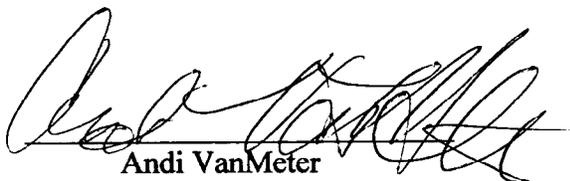
¹All mail from the Board since 03/22/05 has been sent to the P.O. Box 1018 Brighton, CO 80601.



CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2005, I served the foregoing papers of BioCentric Laboratories; the new filing Submission #6, by depositing a true copy thereof in a sealed envelope, UPS tracking number 1Z2A68T70351776052, addressed to Opposer's address of record as follows:

Allergan, Inc.
Attn: Susan J. Hinchey
Corporate Trademark Department
2525 Dupont Drive
Irvine, CA 92612-1599

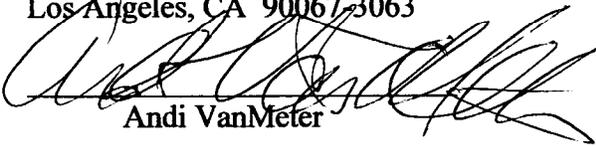


Andi VanMeter

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2005, I served the foregoing papers of BioCentric Laboratories; the new filing Submission #6, by depositing a true copy thereof in a sealed envelope, UPS tracking number 1Z2A68T70350721862, addressed to the Law Offices of the Opposer, address of record as follows:

Seyfarth Shaw LLP
Attn: Kenneth L. Wilton
One Century Plaza
2029 Century Park East
Suite 3300
Los Angeles, CA 90067-3063


Andi VanMeter