

April 12, 2005

VIA EXPRESS MAIL

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attn: Trademark Trial And Appeal Board

Re: STUDIO NINE, Appl. Ser. No. 76/557,010
STUDIO 9, Appl. Ser. No. 76/557,011
Opposition Proceeding No. 91162473

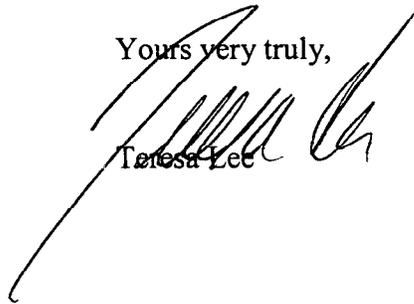
Dear Sir or Madam:

On behalf of our client, Only Nine Apparel, LLC (hereinafter "Only Nine"), enclosed herewith for filing in connection with the above-referenced proceeding pertaining to Appl. Ser. Nos. 76/557,010 and '011 for the marks STUDIO NINE and STUDIO 9, respectively, are the following particulars:

1. one original of Only Nine's Stipulated Motion To Extend Discovery And Testimony Periods, with notice of service on counsel to Nine West Development Corporation, plus two copies of the same; and
2. a prepaid, self-addressed return post card which the Trademark Trial And Appeal Board (hereinafter the "Board") is requested to stamp as "RECEIVED".

Please do not hesitate to contact the undersigned should you have any questions or concerns.

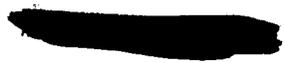
Yours very truly,



Teresa Lee

TL:eh
Enclosures

cc: Only Nine Apparel, LLC



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

In the Matter of:

Appl. Ser. Nos. 76/557,010 and 76/557,011

for the marks **STUDIO NINE** and **STUDIO 9**

-----X	:	
NINE WEST DEVELOPMENT	:	
CORPORATION	:	Opposition No.: 91162473
Opposer,	:	
	:	
-v -	:	
	:	
ONLY NINE APPAREL, LLC,	:	
	:	
Applicant.	:	
-----X	:	

**STIPULATED MOTION TO EXTEND
DISCOVERY AND TESTIMONY PERIODS**

Only Nine Apparel, LLC (hereinafter "Applicant" or "Only Nine"), by its counsel, Pryor Cashman Sherman & Flynn LLP, and with the consent of counsel to Nine West Development Corporation (hereinafter "Nine West"), respectfully requests that the Trademark Trial and Appeal Board (hereinafter the "Board") grant a sixty (60) day extension in the discovery and testimony periods herein in accordance with the following schedule (hereinafter the "Motion"):

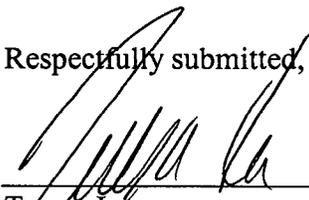
Discovery period to close:	June 30, 2005
Testimony period for party in position of plaintiff to close (opening thirty (30) days prior thereto):	September 28, 2005
Testimony period for party in position of defendant to close (opening thirty (30) days prior thereto):	November 27, 2005
Rebuttal testimony period to close:	January 11, 2006

The parties hereto require additional time within which to exchange discovery with an eye towards potentially resolving this Opposition on an amicable basis. The additional time requested will allow the parties to pursue further discovery, and to continue with discussions, as appropriate. This is the parties' first request for an extension in the discovery, testimony and briefing periods after the October 13, 2004 Order that originally set the discovery, testimony and briefing periods. This Motion is being submitted in good faith and not for any improper purpose of delay.

Jennifer Shmulewitz, Esq., counsel to Nine West, consented to this Motion pursuant to e mail exchanges with Teresa Lee, Esq., counsel to Only Nine, that occurred on March 29, 2005, and a copy of this Motion is being served on Ms. Shmulewitz as shown in the accompanying Certificate of Service.

Dated: New York, New York
April 12, 2005

Respectfully submitted,

By: 

Teresa Lee

Pryor Cashman Sherman & Flynn LLP
410 Park Avenue
New York, NY 10022
(212) 421-4100

Attorney for Applicant,
Only Nine Apparel, LLC

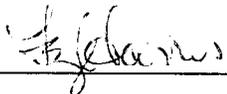
Certificate of Service by Express Mail

EL983085099US

“Express Mail” Mailing Label No. _____

I hereby certify that one original plus two copies of Applicant’s STIPULATED MOTION TO EXTEND DISCOVERY, TESTIMONY AND BRIEFING PERIODS are being deposited by “Express Mail” with the United States Postal Service in an envelope, postage prepaid, this 12th day of April, 2005, at the address listed below:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attention: Trademark Trial And Appeal Board

Signed: 

Name: Liz Harris

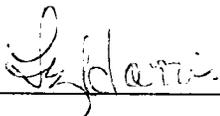
Certificate of Service by Express Mail

EL 983085108US

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I hereby certify that a true and correct copy of Applicant’s STIPULATED MOTION TO EXTEND DISCOVERY, TESTIMONY AND BRIEFING PERIODS is being served upon counsel to Nine West by "Express Mail" by depositing the same with the United States Postal Service, postage prepaid, on this 12th day of April, 2005 at the address listed below:

NINE WEST FOOTWEAR CORPORATION
1129 Westchester Avenue
White Plains, NY 10604
Attention: Jennifer Shmulewitz, Esq.

Signed: 

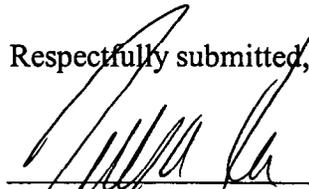
Name: Liz Harris

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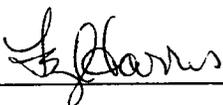
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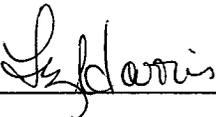
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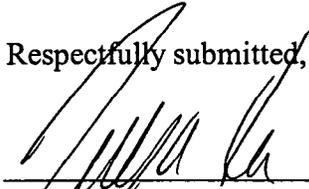
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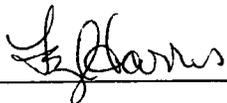
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