

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**P.O. Box 1451**  
Alexandria, VA 22313-1451

Mailed: March 2, 2005

Opposition No. 91162535

Cardon Pharmaceuticals SA/NV

v.

Bio Delivery Sciences  
International, Inc.

**Vionette Baez, Paralegal Specialist:**

The Board notes applicant's response to motion for default judgment filed on January 25, 2005,<sup>1</sup> which has been construed as a motion to reopen its time to answer, and it, is hereby granted as uncontested.

Further, inasmuch as applicant indicated that it had not received the notice instituting this proceeding and a copy of the notice of opposition, the notice, with enclosure, is remailed to applicant's counsel at the address provided as follows:

Paul M. Denk  
763 South New Ballas Road

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<sup>1</sup> The Board notes that opposer's motion for default judgment has not been received yet.

Suite 170  
St. Louis, MO 63141

In view of the circumstances herein, the time for filing an answer to the notice of opposition is extended to **forty days** from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are reset as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

<b>Discovery period to close:</b>	<b>September 18, 2005</b>
<b>30-day testimony period for party in position of plaintiff to close:</b>	<b>December 17, 2005</b>
<b>30-day testimony period for party in position of defendant to close:</b>	<b>February 15, 2006</b>
<b>15-day rebuttal testimony period to close:</b>	<b>April 1, 2006</b>

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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