

ESTTA Tracking number: **ESTTA48845**

Filing date: **10/14/2005**

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

Proceeding	91164676
Party	Plaintiff VITAMIN WORLD, INC. VITAMIN WORLD, INC. 90 ORVILLE DRIVE BOHEMIA, NY 11716
Correspondence Address	Scott B. Fisher Jaspan Schlesingerhoffman LLP 300 Garden City Plaza Garden City, NY 11530
Submission	Consent Stipulation to Extend Discovery and Trial Testimony Dates
Filer's Name	Scott B. Fisher
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Signature	/SBF/
Date	10/14/2005
Attachments	FEMSTEPConsentStipulation.pdf ( 2 pages )

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

In the matter of Trademark Application

Applicant : Galen (Chemicals) Limited  
Serial No. : 78/394,210  
Filed : March 31, 2004  
Mark : FEMSTEP  
Int'l Class : 5  
For : Pharmaceuticals, namely, an oral contraceptive  
Published : June 29, 2004

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Vitamin World, Inc., :  
: **CONSENT STIPULATION**  
Opposer, :  
: **Opposition No.: 91/164,676**  
v. :  
: **Opposition No.: 91/164,676**  
: **Opposition No.: 91/164,676**  
Galen (Chemicals) Limited, :  
: **Opposition No.: 91/164,676**  
Applicant. :  
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**WHEREAS**, on or about March 18, 2005, opposer, Vitamin World, Inc. (“Opposer” or “Vitamin World”), commenced the above-captioned opposition proceeding;

**WHEREAS**, on March 28, 2005, the Trademark Trial and Appeal Board (the “Board”), issued an institution letter setting forth the discovery and testimony periods in this matter;

**WHEREAS**, on or about April 28, 2005, applicant, Galen (Chemicals) Limited (“Applicant”), served and filed its Answer to Opposer’s Notice of Opposition;

**WHEREAS**, the parties are engaged in exchanging discovery and have recently entered into a Confidentiality Agreement concerning the exchange of confidential material in this matter and consent to the modifications of the discovery and testimony periods to allow for the completion of discovery; and

**IT IS HEREBY STIPULATED, AGREED AND CONSENTED**, pursuant to 37 C.F.R.

§§ 2.120(a) and 2.121(a)(1) and TBMP §§ 403.04, 501 and 701, that,

1. The close of the discovery period is extended to November 15, 2005; and
2. The 30-day testimony period for Opposer to close is extended to February 15, 2006; and
3. The 30-day testimony period for Applicant to close is extended to April 18, 2006; and
4. The 15-day rebuttal period for Opposer to close is extended to May 31, 2006; and
5. This Consent Stipulation may be executed by facsimile or electronic mail transmission which shall be deemed an original.

Dated: October 14, 2005

Vitamin World, Inc.

Galen (Chemicals) Limited

By:   
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