

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

Baxley

Mailed: February 1, 2007

Opposition No. **91169231**

Barbara J. Schell M.D. PLLC

v.

Graham D. Simpson

Andrew P. Baxley, Interlocutory Attorney:

Applicant's consented motion (filed January 24, 2007) to extend time to serve discovery responses is granted. Applicant is allowed until February 20, 2007 to serve such responses.

Under the trial schedule as last reset in the Board's October 20, 2006 order, applicant's discovery responses would become due after the commencement of trial herein. Issues related to discovery are pre-trial matters which should be resolved prior to the commencement of opposer's testimony period. See 63 Fed. Reg. 48081, 48088. Accordingly, the Board, in exercising its inherent authority to control the scheduling of cases on its docket, deems it appropriate to reset testimony periods herein. Testimony periods are reset as follows:

Plaintiff's 30-day testimony period to close: **4/20/07**

Defendant's 30-day testimony period to close: **6/19/07**

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Plaintiff's 15-day rebuttal testimony period to
close:

8/3/07

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.

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.