

ESTTA Tracking number: **ESTTA160813**

Filing date: **09/05/2007**

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

Proceeding	91173378
Party	Plaintiff Dreamwell, Ltd.
Correspondence Address	Peter M. Brody, Esq. ROPES & GRAY LLP One Metro Center, 700 12th Street, NW, Suite 900 Washington, DC 20005-3948 UNITED STATES peter.brody@ropesgray.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Peter M. Brody, Esq.
Filer's e-mail	peter.brody@ropesgray.com, erin.dugan@ropesgray.com
Signature	/peter brody/
Date	09/05/2007
Attachments	SMCY-TOP-011 Stipulated Motion.pdf ( 3 pages )(87082 bytes )

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

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DREAMWELL, LTD.,	)	Opposition No. 91173378
	)	
Opposer,	)	Application Serial No.
	)	76/738,245
v.	)	Published in the Official
	)	Gazette of
FKA Distributing Co. d/b/a Homedics, Inc.	)	August 1, 2006
	)	
Applicant.	)	

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**STIPULATED MOTION FOR EXTENSION OF TESTIMONY PERIODS**

Pursuant to Trademark Rule of Practice 2.121 (37 C.F.R. § 2.121) and Trademark Trial and Appeal Board Manual of Procedure section 509, Opposers, Dreamwell, Ltd., by its attorneys, and Applicant, FKA Distributing Co. d/b/a Homedics, Inc., by its attorneys, hereby request a further ninety (90) day extension of the testimony periods in this proceeding. If granted, this extension would result in the following new schedule:

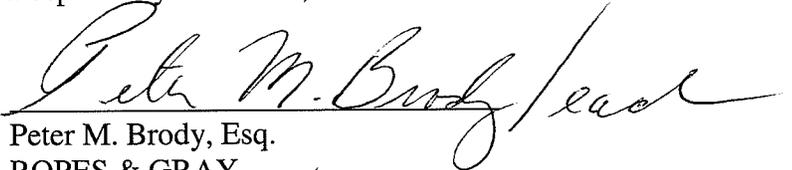
30-day testimony period for party in position of plaintiff to close:	11/29/07
30-day testimony period for party in position of defendant to close:	1/28/08
15-day rebuttal testimony period for plaintiff to close:	3/13/08

This extension because the parties have not yet completed the exchange of information pursuant to their respective discovery requests, in part because of the need for a protective order, the terms of which the parties have not yet finalized. Without the exchange of this discovery

information, the parties are not in a position to commence trial of this matter and therefore need an extension of the testimony periods.<sup>1</sup>

Applicant's attorney has agreed to the filing of this motion, and to the requested extension of time.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peter M. Brody". The signature is written in black ink and is positioned above the typed name and address.

Peter M. Brody, Esq.  
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One Franklin Square  
1301 K Street, N.W.  
Suite 800 East  
Washington, D.C. 20005  
(202) 626-3900

Attorneys for the Dreamwell, Ltd.

Date: September 5, 2007

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<sup>1</sup> It was the parties' intention to file this stipulated motion prior to the closing of Opposer's testimony period. Owing to a clerical error by docketing personnel employed by undersigned counsel, however, counsel was misinformed as to the date for the closing of the Opposer's testimony period and therefore was unable to file the motion prior to that date. Thus, the relief requested in this motion includes the reopening of Opposer's testimony period as well as an extension of the closing date.

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	)	
Applicant.	)	
_____	)	

**Certificate of Service**

I hereby certify that on this 5th day of September 2007, a true copy of this Motion on Consent for Extension of Testimony Periods was served upon the following attorney of record for Applicant by first class mail:

Matthew R. Mowers, Esq.  
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