

ESTTA Tracking number: **ESTTA230110**

Filing date: **08/13/2008**

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

Proceeding.	91174256
Applicant	Defendant BOTICA COMERCIAL FARMACEUTICA LTDA.
Other Party	Plaintiff Guthy-Renker Corporation

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 09/11/2008. BOTICA COMERCIAL FARMACEUTICA LTDA. requests that such date be extended for 60 days, or until 11/10/2008, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 11/10/2008
Thirty-day testimony period for party in position of plaintiff to close : 02/08/2009
Thirty-day testimony period for party in position of defendant to close : 04/09/2009
Fifteen-day rebuttal testimony period to close : 05/24/2009

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *On August 11, 2008 Applicant filed an unconsented Motion for a 60 day extension of time to answer and a 60 day extension of time for discovery/testimony. As explained in applicant's motion, Applicant attempted to contact counsel for Opposer, who was not available. Since that time, counsel for Opposer has communicated with the undersigned and provided his consent to a 60 day extension of time to answer and a 60 day extension of time for discovery/testimony because the parties are negotiating a settlement agreement, which has been executed by Applicant. It is requested that the Board agree to this extension so that the parties can resolve this dispute.*

BOTICA COMERCIAL FARMACEUTICA LTDA. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

BOTICA COMERCIAL FARMACEUTICA LTDA. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
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08/13/2008