

ESTTA Tracking number: **ESTTA171266**

Filing date: **10/26/2007**

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

Proceeding	91176707
Party	Defendant INNERCAP Technologies, Inc.
Correspondence Address	Diane K. Newman Foley & Lardner LLP Washington Harbour, 3000 K Street, N.W., Suite 500 Washington, DC 20007-5109 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Diane G. Elder
Filer's e-mail	delder@foley.com,jolsen@foley.com,PTOMailChicago@foley.com
Signature	/Diane Grace Elder;/dge;/and/61590/
Date	10/26/2007
Attachments	Motion with consent for extension of time 102607.PDF (3 pages)(25708 bytes)

15-day rebuttal testimony
period for party in plaintiff
to close:

August 8, 2008

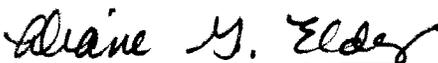
Since prior to the filing of this opposition, applicant and opposer have been engaged in negotiations regarding the licensing of applicant's multi-phase technology, which is used in connection with the creation of the goods covered in the application at issue in this proceeding, namely, aspirin in combination with nutritional supplements and synergistic pharmaceutical preparations. On several occasions during the past six (6) months, including as recently as October 23, 2007, applicant has raised the issue of settlement of this opposition with opposer. The parties, however, have yet to specifically confer regarding settlement. Applicant has served discovery requests on opposer. This extension of time, therefore, is not requested for the purposes of delay, but rather to enable the parties to discuss settlement, and if settlement cannot be reached, to complete discovery.

On October 26, 2007, counsel for applicant, Diane K. Newman, spoke by telephone with counsel for opposer, Stanley C. Macel, III, and the parties agreed to this request for extension.

For the foregoing reasons, applicant requests that this motion be granted.

Respectfully submitted,
FOLEY & LARDNER LLP

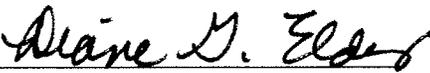
DATED: October 26, 2007

By: 
Craig S. Fochler
Diane G. Elder
321 North Clark, Suite 2800
Chicago, Illinois 60610
TEL: 312.832.4500
FAX: 312.832.4700
Attorneys for Applicant, INNERCAP
Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **MOTION WITH CONSENT FOR EXTENSION OF TIME** was served on counsel for Opposer this 26th day of October, 2007 by first class mail, postage prepaid, at the following address:

Stanley C. Macel, III
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19899



Diane G. Elder