

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

In the Matter of Trademark Application Serial No.	78971771
Filed:	September 11, 2006
Mark:	ESTROVIVE
Published in the Official Gazette:	May 15, 2007

AMERIFIT, INC.

Opposer,

v.

GEORGE K. ZOOROB

Applicant.

Opposition No: 91177804

**APPLICANT'S OPPOSITION TO
OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO EXTEND DISCOVERY**

Applicant George K. Zoorob submits its opposition to the OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO EXTEND DISCOVERY.

At the time the Opposer intentionally knew that the discovery deadline was December 30, 2007, the Opposer filed and served Applicant with approximately 150 pages of interrogatories, admissions and questionnaires to the Applicant on December 28, 2007 and expected to be answered and filed back on or before December 30, 2007.

TBMP 403.04 provided that:

Mere delay in initiating discovery does not constitute good cause for an extension of the discovery period. Thus, a party which waits until the waning days of the discovery period to serve interrogatories, requests for production of documents and things, and/or requests for admission will not be heard to complain, when it receives responses thereto after the close of the discovery period, that it needs an extension of the discover period in order to take "follow-up" discovery.

That is exactly what the Opposer had done. They waited until two days before the discovery period expired on December 28, 2007 and served us with an approximately 150 pages of



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interrogatories, admissions and questionnaires expecting the impossible, which is directly inappropriate and contrary to the TTAB practices, especially TBMP 403.04.

Based on this information, the Applicant requests a sixty (60) day extension in order to supply all documentation requested by the Opposer and responds to all the interrogatories, admissions and questionnaires.

In addition the Applicant has hired a survey firm to prove the lack of similarity between the Applicant's products, names, pronunciation and sound and the Opposer's which will be done within this sixty (60) day extension period.

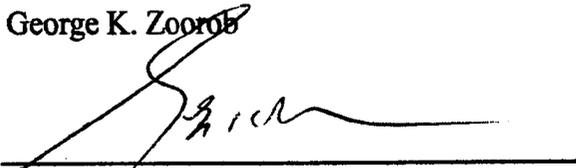
CONCLUSION

Applicant prays that the TTAB deny the OPPOSER'S OPPOSITION TO EXTEND DISCOVERY and extend the discovery for sixty (60) days from December 30, 2007 (February 28, 2008) to allow Applicant enough time to respond to Opposer's interrogatories, admissions and questionnaires, and attach the abundance of documents the Opposer is requiring the Applicant to produce as part of their discovery.

Dated this 22nd day of January, 2008.

RESPECTFULLY SUBMITTED,

George K. Zoorob

BY: 

George K. Zoorob

1111 East Fillmore St.

Colorado Springs, CO 80907

CERTIFICATE OF SERVICE

I, George K. Zoorob, Applicant in the above-captioned matter, certify that, on the 22nd day of January, 2008, I served a copy of the foregoing to document, via first class mail, postage prepaid, upon:

Daniel E. Bruso, Esq.

George A. Pelletier, Jr., Esq.

Cantor Colburn LLP

Attorneys for Amerifit, Inc.

20 Church Street

22nd Floor

Hartford, CT 06103-3207



George K. Zoorob