

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

In the matter of Opposition No. 91178890:

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VVI :
v. :
Siemens Medical Solutions USA, Inc. :
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78743112

Opposition No. 91178890

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



02-07-2008

U.S. Patent & TMO/c/TM Mail Rpt Dt #

REQUEST TO EXTEND THE DISCOVERY PERIOD

Plaintiff (VVI ®) respectfully request that the Trademark Trial and Appeal Board (the "Board") extend for at least 4 months the discovery period based on Chapter 400 TBMP §403.04 ; Extensions of Discovery Period and/or Time to Respond to Discovery Requests:

At the same time, a party which receives discovery requests early in the discovery period may not, by delaying its response thereto, or by responding improperly so that its adversary is forced to file a motion to compel discovery, rob its adversary of the opportunity to take "follow-up" discovery. Such a delay or improper response constitutes good cause for an extension of the discovery period. Therefore, the Board will, at the request of the propounding party, extend the discovery period (at least for the propounding party) so as to restore that amount of time which would have remained in the discovery period had the discovery responses been made in a timely and proper fashion.

In particular, to restore that amount of time which would have remained in the discovery period had the discovery responses been made in a timely and proper fashion by Defendant. That response was due on 9/22/2007 and was disregarded by Defendant and the disposition of such disregard was not concluded until 1/15/2008, which is an elapse of approximately 4 months. Thus Plaintiff requests an extension of at least 4 months pursuant to §403.04.

Plaintiff submits that it is substantially prejudiced by the delay in filing of Answer by Defendant. Plaintiff stresses that it is the policy of law to decide cases on their merits and therefore Plaintiff requests that it be permitted time, and cooperation of Defendant, for discovery.

Plaintiff apologizes for any inconvenience it may have caused. It is with high regard for the Board that Plaintiff makes this request.

Respectfully submitted,



Ed VanVliet
VVI
311 Adams Avenue
State College, PA 16803
814-441-0165

Date: February 5, 2008

Attachments:

- (1) Certificate Of Mailing
- (2) Certificate Of Service

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

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

on February 5, 2008.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ed VanVliet', written in a cursive style.

Ed VanVliet
VVI
311 Adams Avenue
State College, PA 16803
814-441-0165

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing REQUEST TO EXTEND THE DISCOVERY PERIOD has been served on Siemens Medical Solutions USA, Inc. by mailing said copy on February 5, 2008 via First Class Mail, postage prepaid to:

Siemens Medical Solutions USA, Inc.
c/o Lawrence E. Abelman
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017

Respectfully,

A handwritten signature in black ink, appearing to read 'Ed VanVliet', written in a cursive style.

Ed VanVliet
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311 Adams Avenue
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