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

Mailed: April 17, 2009

Opposition No. 91184978

McNeil-PPC, Inc.

v.

Walgreen Co.

**Ann Linnehan, Interlocutory Attorney**

This case now comes up for consideration of applicant's motion (filed March 25, 2009) to extend all the remaining discovery and trial dates by ninety days. The motion has been fully briefed.

Expert disclosures were due, as last reset, on April 8, 2009. In support of its motion, applicant asserts that it needs ninety days after it takes the Fed. R. Civ. P. 30(b)(6) deposition of opposer to prepare its expert disclosures, which could include a survey and expert report. Specifically, applicant states that once it has completed taking opposer's 30(b)(6) deposition it must wait to receive the deposition transcript from the court reporter, review the transcript, and then provide the expert with the relevant information to decide whether to proceed with a survey and expert report.

The standard for allowing an extension of a prescribed period prior to the expiration of that period is good cause. Fed. R. Civ. P. 6(b)(1). The Board is generally liberal in granting extensions before the period to act has lapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. See, e.g., *American Vitamin Products, Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313 (TTAB 1992).

After carefully reviewing the parties' arguments and given the Board's liberal application of the Rule 6(b) standard, the Board finds that the circumstances herein are appropriate for granting applicant's motion to extend. In particular, the Board finds that applicant's stated reasons for needing additional time after the completion of opposer's 30(b)(6) deposition constitutes good cause for granting the extension sought. In addition, the Board finds that there is no evidence of negligence or bad faith on the part of applicant, that applicant has not abused the privilege of extensions, and that opposer has pointed to no actual prejudice beyond a mere delay of these proceedings.

In view thereof, applicant's motion to extend time is granted.

All remaining discovery and trial dates are reset as follows:

Expert Disclosures Due  
Discovery Closes

7/7/2009  
8/6/2009

Plaintiff's Pretrial Disclosures	9/20/2009
Plaintiff's 30-day Trial Period Ends	11/4/2009
Defendant's Pretrial Disclosures	11/19/2009
Defendant's 30-day Trial Period Ends	1/3/2010
Plaintiff's Rebuttal Disclosures	1/18/2010
Plaintiff's 15-day Rebuttal Period Ends	2/17/2010

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.