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

Proceeding	91184978
Party	Defendant Walgreen Co.
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Submission	Stipulated/Consent Motion to Extend
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Date	03/09/2011
Attachments	2011.03.09 Stipulation to Take Testimony 3-28-11 and Extend Rebuttal.pdf (3 pages)(114745 bytes)

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

McNEIL-PPC, INC.,

Opposer,

-against-

WALGREEN CO.,

Applicant.

Opp. No. 91184978

**STIPULATION FOR TAKING TESTIMONY DEPOSITION OUTSIDE
TESTIMONY PERIOD AND FOR RESCHEDULING REBUTTAL DEADLINES**

Pursuant to Rule 2.121(a) of the Trademark Rules of Practice, 37 C.F.R. § 2.121(a), the parties, Walgreen Co. (“Walgreens”) and McNEIL-PPC, Inc. (“McNEIL”), through their undersigned counsel, stipulate that (1) the trial testimony of Robert Tompkins, a Walgreens witness, may be taken on March 28, 2011, three days after the close of Walgreen’s testimony period; and (2) McNEIL’s rebuttal deadlines shall be moved out by one week, such that the deadline for McNEIL’s rebuttal disclosures shall be April 16, 2011, and the close of McNEIL’s rebuttal period shall be May 16, 2011, as shown below.

According to the scheduling order entered by the Board in this case, Walgreen’s testimony period opened on February 23, 2011, and it is scheduled to close on March 25, 2011. Prior to the start of Walgreen’s testimony period, Walgreens endeavored and made a good faith effort to schedule the testimony deposition of Robert Tompkins, Walgreen’s principle witness, to take place during Walgreen’s testimony period. However, due to scheduling conflicts, the earliest date Walgreens could schedule for Mr. Tompkins’ deposition was March 28, 2011, three days after the close of Walgreen’s testimony period.

Walgreens asked McNEIL to consent to taking the Mr. Tompkins' testimony deposition on March 28, 2011. McNEIL agreed, provided that Walgreens would consent to moving out McNEIL's rebuttal deadlines by one week since Robert Tompkins' testimony deposition would not take place until after the close of Walgreen's testimony period. Walgreens consented to this request.

Accordingly, the parties hereby stipulate to scheduling Robert Tompkins' testimony deposition for March 28, 2011, and to rescheduling McNEIL's rebuttal deadlines so that the opposition deadlines are as follows:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	CLOSED
Plaintiff's 30-day Trial Period Ends :	CLOSED
Defendant's Pretrial Disclosures :	CLOSED
Defendant's 30-day Trial Period Ends :	03/25/2011
Plaintiff's Rebuttal Disclosures :	04/16/2011
Plaintiff's 15-day Rebuttal Period Ends :	05/16/2011

Dated: March 9, 2011

By: /Laura Popp-Rosenberg/
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Dated: March 9, 2011

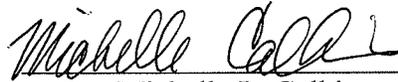
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached STIPULATION FOR TAKING TESTIMONY DEPOSITION OUTSIDE TESTIMONY PERIOD AND FOR RESCHEDULING REBUTTAL DEADLINES was served on March 9, 2011, via first class mail and email to the following:

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Michelle L. Calkins

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of the attached STIPULATION FOR TAKING TESTIMONY DEPOSITION OUTSIDE TESTIMONY PERIOD AND FOR RESCHEDULING REBUTTAL DEADLINES was electronically filed with the Trademark Trial and Appeal Board's "Electronic System for Trademark Trials and Appeals ("ESTTA") on the date shown below:

Dated: March 9, 2011



Michelle L. Calkins