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Filing date: **06/10/2015**

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

Proceeding	91215035
Party	Defendant CHD Bioscience, Inc.
Correspondence Address	JOHN J OMALLEY VOLPE AND KOENIG PC 30 S 17TH STRETT, SUITE 1800 PHILADELPHIA, PA 19103 UNITED STATES Jomalley@vklaw.com, ktinker@vklaw.com, trademarks@vklaw.com
Submission	Stipulated/Consent Motion to Extend
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Signature	/Max S. Morgan/
Date	06/10/2015
Attachments	Joint Motion to Extend Discovery.pdf(62291 bytes)

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

Vertex Pharmaceuticals
Incorporated,
Opposer,

v.

CHD Bioscience, Inc.,
Applicant.

Serial No.: 85/887,894
Mark: VERIOX
Opposition No.: 91215035

Serial No.: 86/073,577
Mark: VERIOX
Opposition No.: 91218760

STIPULATED MOTION TO EXTEND DISCOVERY PERIOD

Pursuant to 37 C.F.R. § 2.121(d) and TBMP § 501, Opposer Vertex Pharmaceuticals Incorporated (“Vertex”) and Applicant, CHD Bioscience, Inc. (“CHD”), hereby stipulate to an extension of sixty days of the discovery and testimony dates set in this action.

Vertex and CHD have reached an amicable resolution to this matter that includes an amendment of the identification of goods. However, the application at issue is subject to a third opposition with a third party and the Applicant needs additional time to finalize settlement which will include additional amendments. Therefore, additional time is needed to finalize the third party opposition before an amendment to the identification of goods can be filed.

Accordingly, Opposer and Applicant stipulate to the following schedule for the discovery and testimony dates in this action:

TRADEMARK

Opposition No.: 91218760

Opposition No.: 91215035

Initial Disclosures Due :	07/15/2015
Expert Disclosures Due :	09/13/2015
Discovery Period to Close :	10/13/2015
Plaintiff Pretrial Disclosures :	11/27/2015
Plaintiff's 30-day Trial Period Ends :	01/11/2016
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	01/26/2016
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	03/11/2016
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due :	03/26/2016
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff Ends:	05/10/2016
Counterclaim Plaintiff's Rebuttal Disclosures Due:	05/25/2016
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	06/24/2016
Plaintiff's Trial Brief Due :	08/23/2016
Defendant's Trial Brief and Plaintiff in the Counterclaim Due :	09/22/2016
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	10/22/2016
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	11/06/2016

Opposer and Applicant agreed to this extension via e-mail correspondence between Opposer's counsel and Applicant's counsel on June 9, 2015. For the reasons set forth herein, Applicant respectfully requests that the Board grant the foregoing motion.

Respectfully submitted,

By: s/Max S. Morgan

John J. O'Malley

Max S. Morgan

TRADEMARK

Opposition No.: 91218760

Opposition No.: 91215035

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*Attorneys for Applicant,
CHD Bioscience, Inc.*

Date: June 10, 2015

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

Vertex Pharmaceuticals
Incorporated,

Opposer,

v.

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Serial No.: 85/887,894

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Stipulated Motion To Extend
Discovery Period was served on Opposer's Attorney of Record by email and first-
class mail, postage pre-paid to the following:

Brandon Scruggs
Sunstein Kann Murphy & Timbers LLP
125 Summer Street
Boston, MA 02110-1618

Date: June 10, 2015

By: s/Max S. Morgan
Max S. Morgan, Esquire