

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

Baxley

Mailed: November 2, 2007

Cancellation No. 92044758

Ecolab Inc.

v.

Melaleuca, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On October 29, 2007, petitioner filed an unconsented motion to extend discovery and testimony periods herein based on the parties' ongoing settlement negotiations.

The Board, in seeking to schedule a telephone conference regarding such motion, contacted respondent's attorney by telephone. During that telephone conversation, respondent's counsel indicated that he provided consent to the extension sought by electronic mail after petitioner filed its motion.

Accordingly, the motion to extend is granted. Discovery and testimony periods are reset as follows.

DISCOVERY PERIOD TO CLOSE: **December 28, 2007**

Plaintiff's 30-day testimony period to close: **March 27, 2008**

Defendant's 30-day testimony period to close: **May 26, 2008**

Plaintiff's 15-day rebuttal testimony period to **July 10, 2008**

close:

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.