

TTAB

Atlanta
Denver
Los Angeles
Philadelphia

**McKenna Long
& Aldridge**^{LLP}
Attorneys at Law

1900 K Street, NW • Washington, DC 20006
202.496.7500 • Fax: 202.496.7756
www.mckennalong.com

San Diego
San Francisco
Washington, DC
Brussels

KRISTIN H. LANDIS
(202) 496-7124

EMAIL ADDRESS
klandis@mckennalong.com

March 8, 2007

TRADEMARK FEE PROCESS
RECEIVED
2007 MAR - 8 P 4: 16
US PATENT &
TRADEMARK OFFICE

BY HAND DELIVERY

Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

**Re: Cancellation Number 92046037
Bryan Corporation v. Novatech SA
Our Ref.: 25114.0008**

TRADEMARK FEE PROCESS
RECEIVED
2007 MAR 27 A 3: 57
US PATENT &
TRADEMARK OFFICE
CANCELLED

Dear Sir/Madam:

Enclosed please find Petitioner's Motion to Reschedule Testimony Periods for the above-referenced cancellation. Please return the enclosed yellow postcard with a USPTO date stamp. Thank you.

Sincerely yours,



Kristin H. Landis

KHL:khl

03-08-2007

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

In the Matter of Trademark Registration No. 3,093,389
Registered May 16, 2006

BRYAN CORPORATION,)
)
Petitioner,)
)
v.)
)
NOVATECH SA,)
)
Registrant.)
_____)

Cancellation No. 92046

TRADEMARK TRIAL AND APPEAL BOARD
2007 MAR 8 3:58
CANCELED
US PATENT & TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD
2007 MAR -8 P 4:21
US PATENT & TRADEMARK OFFICE

PETITIONER BRYAN CORPORATION'S MOTION TO RESCHEDULE TESTIMONY PERIODS

Pursuant to Federal Rule of Civil Procedure 6(b) and 37 C.F.R. § 2.121(a), Bryan Corp. respectfully moves the Board to reschedule the testimony periods as follows: Petitioner's testimony period ending June 14, 2007; Registrant's testimony period ending August 14, 2007; and rebuttal testimony period ending September 28, 2007. The proposed new schedule would extend the existing deadlines by 45 days. Although Registrant would suffer absolutely no prejudice from the rescheduling of the testimony time periods, it has refused to consent to the rescheduling, requiring Petitioner file this motion.

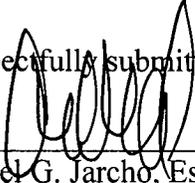
On March 7, 2007, Bryan Corp. filed and served its Motion to Compel Discovery Responses from Registrant Novatech SA ("Novatech") seeking an order compelling Novatech to amend its responses to multiple interrogatories and document production requests. Pursuant to 37 C.F.R. § 2.119(c), Novatech's response to the motion to compel is not due until March 27, 2007, and any reply by Bryan Corp. will likely not be due before April 16, 2007. Currently, Bryan Corp.'s thirty day testimony period begins April 1, 2007, and ends May 1, 2007.



Therefore, Bryan Corp.'s motion will not be resolved until at least half way through Bryan Corp.'s current testimony period, and furthermore, should the Board rule in Bryan Corp.'s favor, it is unlikely that Bryan Corp. would receive amended interrogatory responses and/or additional documents prior to the period's expiration. Because the requested discovery could affect Bryan Corp.'s presentation of evidence during the testimony period, failure to grant the extension would be prejudicial. By contrast, the Board's rescheduling of the testimony periods will not prejudice Novatech, because Novatech's registration will remain in effect until such time as the Board rules on the merits of this cancellation action. Accordingly, Bryan Corp. requests that the Board reschedule the testimony periods as set out above.

Dated: March 8, 2007

Respectfully submitted,



Daniel G. Jarcho, Esq.
Andrew J. Park, Esq.
Kristin H. Landis, Esq.
MCKENNA LONG & ALDRIDGE, LLP
1900 K St. NW
Washington, DC 20006

Attorneys for Petitioner Bryan Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of March, 2007, a copy of the foregoing document was served, by first class mail, postage prepaid, upon:

John S. Egbert, Esq.
Egbert Law Offices
State National Building
412 Main Street
7th Floor
Houston, TX 77002



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

In the Matter of Trademark Registration No. 3,093,389
Registered May 16, 2006

BRYAN CORPORATION,)
)
) Petitioner,)
))
) v.)
))
) NOVATECH SA,)
))
) Registrant.)
_____)

Cancellation No. 92046037

US PATENT &
TRADEMARK OFFICE

2007 MAR -1 A 3:58

TRADEMARK FEE PROCESS
RECEIVED

PROPOSED ORDER GRANTING RESCHEDULING OF TESTIMONY PERIODS

Upon consideration of Petitioner's Motion to Reschedule Testimony Periods and it appearing for good cause shown,

IT IS HEREBY ORDERED this ___ day of _____, 2007 that Petitioner Bryan Corp.'s Motion to Reschedule Testimony Periods is **GRANTED**.

The testimony periods are rescheduled as follows:

- 30-day testimony period for party in position of plaintiff to close: June 14, 2007
- 30-day testimony period for party in position of defendant to close: August 14, 2007
- 15-day rebuttal testimony period for plaintiff to close: September 28, 2007

SO GRANTED.

Board Examiner