

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 23, 2002

Opposition No. 91150042

OROPHARMA N.V.

v.

ORAPHARMA, INC.

David Mermelstein, Attorney:

Now before the Board are opposer's motions to extend the time in which to respond to applicant's discovery requests, filed March 11, 2002, May 13, 2002, and June 13, 2002, each of which applicant has opposed, and applicant's July 1, 2002, consent motion to extend discovery and trial dates.

As grounds for its motion to extend the time to respond to discovery, opposer states that the parties are engaged in settlement negotiations "that may obviate the need to respond to applicant's discovery requests."

The Board is usually generous in granting extensions of time for settlement. However, in settlement, like dancing, it takes two to tango. The Board will rarely, if ever, grant an opposed motion to extend (or suspend) on the basis of settlement. Opposer filed this proceeding. Applicant is entitled to insist on discovery pursuant to the Board's

rules. It is not either party's option to unilaterally withhold discovery because it believes settlement is imminent.

Opposer's motions to extend are accordingly DENIED.

Applicant's consent motion to extend discovery and trial dates is GRANTED, and dates are reset as set out therein.

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