

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

*In re Application Ser. No. 76/291,958: PRO SELECT in Classes 1, 5, 7, 21, 31 and 42
Published in the Official Gazette of June 25, 2002 at TM 280*

VALENT U.S.A.
CORPORATION,
Opposer,



05-20-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

v.

Opposition No. 91152794

OMS INVESTMENTS, INC.,

Applicant.

**CONSENTED MOTION
FOR EXTENSION OF DISCOVERY, TRIAL AND BRIEF DATES**

Opposer, Valent U.S.A. Corporation, hereby requests that the discovery, trial and brief periods for the above Opposition be extended for ninety (90) days, to be reset as follows:

Discovery period to close:	8/23/03
30-day testimony period for party in position of plaintiff to close:	11/21/03
30-day testimony period for party in position of defendant to close:	1/20/04
15-day rebuttal testimony period for plaintiff to close:	3/5/04

Due dates for briefs shall be
similarly extended 90 days.

On March 12, 2003, Applicant filed a Consented Motion to Suspend Opposition No. 911527924, as the parties are discussing settlement. As the Trademark Trial and Appeal Board has not yet acted upon Applicant's motion, Opposer is filing this Consented Motion For Extension of Discovery, Trial and Brief Dates to preserve the parties' rights to conduct discovery should the Board fail to grant Applicant's Motion to Suspend. This request is not intended for the purposes of delay.

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.110
"Express Mail" Mailing Label No. EV 348249740 US Date of Deposit: May 20, 2003

I hereby certify that the document to which this Certificate is affixed is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: BOX TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the Date of Deposit shown above.

Counsel for applicant, Julie B. Seyler, Esq., consented to this extension via telephone.

Dated: May 20, 2003

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By  _____

Raymond I. Geraldson, Jr.

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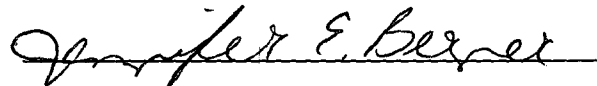
Chicago, Illinois 60606

Telephone (312) 554-8000

Attorneys for Valent Biosciences
Corporation

CERTIFICATE OF SERVICE

I, Jennifer E. Berner, an attorney for Opposer, hereby certify that a copy of the foregoing **CONSENTED MOTION FOR EXTENSION OF DISCOVERY, TRIAL AND BRIEF DATES** has been served upon Julie B. Seyler, Abelman Frayne & Schwab, 150 East 42nd Street, New York, New York 10017 this 20th day of May, 2003, by first class mail, postage prepaid.

A handwritten signature in cursive script, reading "Jennifer E. Berner", is written over a horizontal line.

TTAB

PATTISHALL, McAULIFFE, NEWBURY, HILLIARD & GERALDSON

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May 20, 2003

VIA EXPRESS MAIL

Commissioner for Trademarks
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05-20-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #22

Re: Valent U.S.A. Corporation v. OMS Investments, Inc.
Mark: PRO SELECT
Serial No.: 76/291,958
Our Reference No.: 00999-00035

Dear Sir:

Enclosed please find:

1. An original and two copies of a Consented Motion For Extension of Discovery, Trial and Brief Dates in the above referenced matter; and
2. A stamped, self-addressed postcard, which we request be stamped with the date of receipt and returned to us.

Sincerely,

Jennifer E. Berner

JEB:la
Enclosure