

ESTTA Tracking number: **ESTTA12280**

Filing date: **07/23/2004**

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

<b>Proceeding</b>	91158605
<b>Party</b>	Plaintiff THE NORTH FACE APPAREL CORP. THE NORTH FACE APPAREL CORP. 3411 SILVERSIDE RD. WILMINGTON, DE 19810
<b>Correspondence Address</b>	STACEY H. KING HOWREY, SIMON, ARNOLD & WHITE, LLP 1299 PENNSYLVANIA AVENUE, NW WASHIINGTON, DC 20004
<b>Submission</b>	Stipulated/Consent Motion to Extend
<b>Filer's Name</b>	Stacey King
<b>Filer's e-mail</b>	kingstacey@howrey.com, colemand@howrey.com, ipdocketing@howrey.com
<b>Signature</b>	/stacey king/
<b>Date</b>	07/23/2004
<b>Attachments</b>	consented motion to extend.pdf ( 3 pages )

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

The North Face Apparel Corp.,	§	
	§	
Opposer,	§	Opposition No. 91158605
	§	
v.	§	Application Ser. No. 78/202,866
	§	
Todd M. Embs	§	Published: October 7, 2003
	§	
<u>Applicant.</u>	§	

**CONSENTED TO MOTION TO EXTEND  
DISCOVERY AND TRIAL DATES**

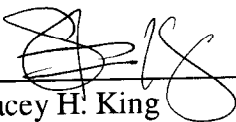
In accordance with Rule 2.12(d) of the Trademark Rules of Practice, Opposer, The North Face Apparel Corp. (“Opposer”), moves that the discovery period and trial dates in the above proceeding be extended by thirty (30) days.

Opposer filed an unconsented motion to extend discovery and trial dates by sixty (60) days on June 15. Opposer made the request due to a breakdown in settlement negotiations. Simultaneously, Opposer served discovery on Todd Embs (“Applicant”). Since that time, Opposer and Applicant have renewed settlement negotiations and request an additional thirty day extension. Such extension would reset the discovery and trial dates as follows:

Discovery Period to Close	September 13, 2004
Thirty (30) day testimony period for party in position of plaintiff to close	December 12, 2004
Thirty (30) day testimony period for party in position of defendant to close	February 25, 2005
Rebuttal testimony period to close	March 27, 2005

The requested extension is to allow sufficient time to complete necessary discovery in this proceeding. Applicant consented to this motion in an e-mail communication dated July 14, 2004.

Respectfully submitted,

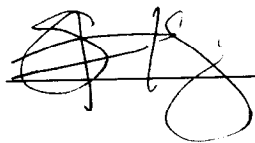
By:  \_\_\_\_\_  
Stacey H. King  
Katherine M. Basile

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Attorneys for Opposer  
The North Face Apparel Corp.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Opposer's Motion for Extension of Discovery Deadline and Other Trial Dates" was couriered by first class mail to Applicant, Mr. Todd M. Embs, 421 W. Broadway, Tipp City, Ohio 45371, on this 23rd day of July, 2004.



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.