

# TTAB

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

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IN THE MATTER OF APPLICATION SERIAL NO. 76/523,318  
PUBLISHED IN THE OFFICIAL GAZETTE ON FEBRUARY 24, 2004

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PACIFIC SUNWEAR OF CALIFORNIA, INC.,	)	OPPOSITION NO. 91159978
	)	
	)	
OPPOSER,	)	
vs.	)	CONSENTED MOTION AND
	)	[PROPOSED] ORDER EXTENDING
PEPPERDINE UNIVERSITY,	)	DISCOVERY PERIOD AND RE-
	)	SETTING TESTIMONY PERIODS
APPLICANT.	)	
	)	
	)	
	)	

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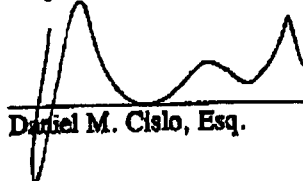
Opposer Pacific Sunwear of California, Inc. (“Opposer”) initiated this opposition, mailed by the Board on April 1, 2004, and discovery opened on April 21, 2004. Applicant, Pepperdine University (“Pepperdine”) served Opposer with discovery requests on or about May 10, 2004. Opposer subsequently served its objections on July 5, 2004 to the discovery requests, but Applicant believed that Opposer’s answers were unresponsive. Pepperdine, therefore, contacted Opposer on or about July 9, 2004, noting that it believed that Opposer’s answers were unresponsive and requested a meet-and-confer regarding the matter.

Opposer responded on or about July 13, 2004, promising to “review the objections and supplement” its discovery responses where necessary. On August 16, 2004, Opposer sent a proposed protective order to Applicant and promised to supplement its responses upon execution of the protective order. Applicant, Pepperdine University, therefore requests a two-

month extension of the discovery period to and including December 17, 2004, and that the Board re-set the testimony periods accordingly. A proposed order and proposed scheduling order are attached. The request for extension is not merely for purposes of delay, but is requested for good cause. As noted above, Opposer, through its representative, consents to the above-referenced extension. In view of the above, Applicant respectfully requests that its Consented Motion for an Extension of Discovery Period be GRANTED.

Respectfully submitted,

Date: August 3<sup>rd</sup>, 2004

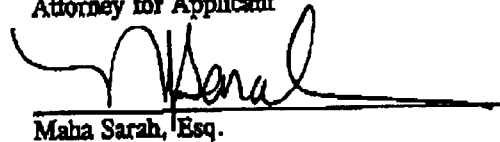


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Attorney for Applicant

Date: August 31, 2004



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Attorney for Opposer

IT IS SO ORDERED. The discovery period has been extended sixty (60) days, and the testimony periods reset as set forth in the accompanying order.

Date: \_\_\_\_\_

\_\_\_\_\_  
Trademark Trial and Appeal Board

Z:\TMDOCS\04-13534\CONSENTED MOTION & PROPOSED ORDER EXTENDING DISCOVERY & RE-SETTING TESTIMONY.DOC

**[PROPOSED] SCHEDULING ORDER**

**The Period for Discovery to Close:** December 17, 2004

30-day testimony period for Plaintiff in the opposition to close: March 17, 2005

30-day testimony period for Defendant in the opposition to close: May 15, 2005

Plaintiff's rebuttal testimony period in the opposition to close: June 29, 2005

**Briefs shall be due as follows:**  
[See Trademark rule 2.128(a)(2)]

Brief for Plaintiff in the opposition shall be due: August 28, 2005

Brief for Defendant in the opposition shall be due: September 27, 2005

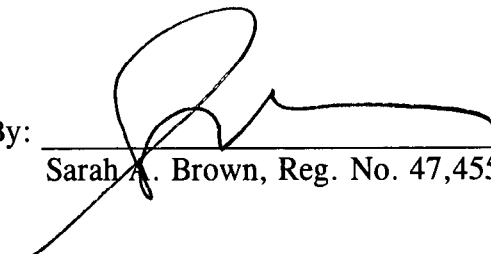
Reply brief (if any) for Plaintiff in the opposition shall be due: October 27, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that one (1) copy of this document is being deposited with the United States Postal Service as First Class Mail, postage affixed, in an envelope addressed to:

Maha Sarah  
Murphey & Murphey, A.P.C.  
Pacific Center One, Suite 260  
Palomer Airport Road  
Carlsbad, CA 92009-1027

Dated: 9-03-04

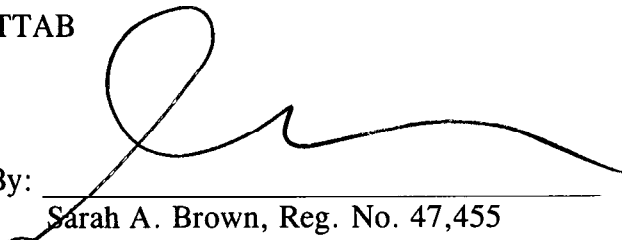
By:   
Sarah A. Brown, Reg. No. 47,455

**CERTIFICATE OF MAILING**

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ATTN: TTAB

Dated: 9-03-04

By:   
Sarah A. Brown, Reg. No. 47,455

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the opposition of:

**PACIFIC SUNWEAR OF CALIFORNIA, INC. v. PEPPERDINE UNIVERSITY**

Opposition No. 91159978

Serial Number: 76/523,318

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514  
ATTN: TTAB

**CERTIFICATE OF FIRST CLASS MAILING**

Dear Sir/Madam:

Enclosed herewith are the following:

1. Consented Motion and [Proposed] Order Extending Discovery Period and Re-Setting Testimony Periods (4 pages);
2. Acknowledgement Postcard.

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail under 37 C.F.R., § 1.8, on the date indicated herein and is addressed to:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514  
ATTN: TTAB

Respectfully submitted,

CISLO & THOMAS LLP

Date: September 3, 2004



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Reg. No. 47,455

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SAB/sd

Enclosures

As listed above