

ESTTA Tracking number: **ESTTA31365**

Filing date: **04/25/2005**

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

Proceeding	91162405
Party	Plaintiff MedEx, LLC ,
Correspondence Address	JOHN J. O'MALLEY VOLPE and KOENIG, P.C. 30 SOUTH 17TH STREET, SUITE 1600 PHILADELPHIA, PA 19103 UNITED STATES jjo@volpe-koenig.com, ptomail@volpe-koenig.com, LMcGuinness@volpe-koenig.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	John J. O'Malley
Filer's e-mail	jjo@volpe-koenig.com, ptomail@volpe-koenig.com, LMcGuinness@volpe-koenig.com
Signature	/John J. O'Malley/
Date	04/25/2005
Attachments	Motion on Consent extension of time file discovery responses.pdf (2 pages)

TRADEMARK

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

In the Trademark Opposition of

Mark: MEDEX
Appln. No.: 78/299,234
Published: June 8, 2004

Opposition No. 91162405

Date: April 25, 2005

Medex, LLC,
vs. Opposer

Operation Blessing International Relief and
Development Corporation,
Applicant

**MOTION ON CONSENT TO EXTEND DISCOVERY PERIOD AND
RESET TRIAL DATES**

Opposer, Medex, LLC, is seeking an Extension of Time to file their response to Applicant, Operation Blessing International Relief and Development Corporation's First Set of Discovery Requests, which is due for filing on April 25, 2005.

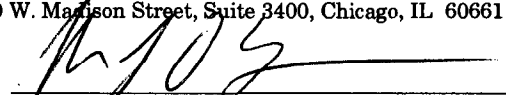
In accordance with Rule 2.102 of the Trademark Rules of Practice, the Opposer, Medex, LLC, hereby moves by and through their attorneys request that the Board grant an extension of time to file a response to Applicant's First Set of Discovery Requests in the above-identified matter. The extension of time is

* * *
Certificate of Filing and Service

I hereby certify that this correspondence is being filed online via ESTTA to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on April 25, 2005.

I further certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed Patrick J. Arnold, McAndrews, Held & Malloy, LTD, 500 W. Madison Street, Suite 3400, Chicago, IL 60661 on April 25, 2005.

4-25-05
Date of Signature


John J. O'Malley

requested pursuant to a stipulation of counsel for Applicant, Patrick J. Arnold, Esquire, and counsel for Opposer, by telephone on April 25, 2005, that the time to file Opposer's Response would be extended for seven (7) days. Therefor, counsel for Applicant and Opposer hereby agree that the time for Opposer, Medex, LLC, to file a response to Applicant's Discovery Requests be extended until May 2, 2005, and the parties request that all other response dates set by the Trademark Trial and Appeal Board be extended accordingly.

Accordingly, Applicant hereby moves to reset the trial dates as follows:

Discovery period to close:	June 1, 2005
30-day testimony period for party in position of plaintiff to close:	August 30, 2005
30-day testimony period for party in position of defendant to close:	October 29, 2005
15-day rebuttal period testimony period for plaintiff to close:	December 13, 2005

Accordingly, favorable action on this request is respectfully urged.

Respectfully submitted,

MEDEX, LLC

By: _____

John J. O'Malley
(215) 568-6400

Attorneys for Opposer

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Facsimile: 215-568-6499