

ESTTA Tracking number: **ESTTA32388**

Filing date: **05/06/2005**

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

<b>Proceeding</b>	91162405
<b>Party</b>	Plaintiff MedEx, LLC ,
<b>Correspondence Address</b>	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
<b>Submission</b>	Motion to Extend
<b>Filer's Name</b>	John J. O'Malley
<b>Filer's e-mail</b>	jjo@volpe-koenig.com, ptomail@volpe-koenig.com, lmcguinness@volpe-koenig.com
<b>Signature</b>	/John J. O'Malley/
<b>Date</b>	05/06/2005
<b>Attachments</b>	Extend - Scanned1.pdf ( 3 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: May 6, 2005

Medex, LLC,  
Opposer

vs.

Operation Blessing International Relief and  
Development Corporation,  
Applicant

**MOTION ON TO EXTEND PERIOD TO RESPOND TO DISCOVERY  
REQUESTS AND RESET TRIAL DATES**

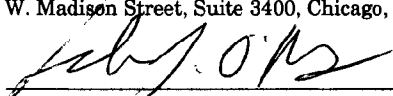
Opposer, Medex, LLC, is seeking an Extension of Time to file their response to Applicant, Operation Blessing International Relief and Development Corporation's First Set of Discovery Requests, which is due for filing on May 2, 2005.

\* \* \*  
**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 May 6, 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 May 6, 2005.

5-6-05  
\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
John J. O'Malley

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 requested in order to allow Opposer's client to review and comment on the discovery request and allow Opposer to finalize a settlement proposal. Opposer's counsel contacted counsel for Applicant, Patrick J. Arnold, Esquire, to seek consent to extend the time period for Opposer to respond to May 11, 2005, but was able to reach him. Therefore, counsel for Opposer hereby requests that the time for Opposer, Medex, LLC, to file a response to Applicant's Discovery Requests be extended until May 11, 2005, and that all other response dates set by the Trademark Trial and Appeal Board be extended as follows.

Discovery period to close:	June 25, 2005
30-day testimony period for party in position of plaintiff to close:	September 23, 2005
30-day testimony period for party in position of defendant to close:	November 22, 2005
15-day rebuttal period testimony period for plaintiff to close:	January 7, 2006

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 17<sup>th</sup> Street  
Philadelphia, PA 19103  
Facsimile: 215-568-6499