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

Proceeding	91162940
Party	Plaintiff La Vida Medical Group, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	04/24/2008
Attachments	Consent Motion to Extend Trial Dates - 4-24-2008.pdf (4 pages)(75088 bytes)

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>LA VIDA MEDICAL GROUP, INC., Opposer, v. VIDACARE, INC., Applicant.</p>	<p>Opposition No.: 91/162940 Application Serial No.: 78/267,318 Mark: VIDACARE Published for Opposition: June 22, 2004 Atty. Ref. No.: 58668-0018</p>
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

CONSENTED TO MOTION TO RESET TESTIMONY PERIODS

I. **REQUEST TO EXTEND TRIAL DATES**

Opposer, with Applicant's consent, requests that the discovery and testimony periods set by the Board be extended and re-set, as follows:

	<u>Old Date</u>	<u>New Date</u>
Testimony period for party in position of plaintiff to close (opening 30 days prior thereto)	April 25, 2008	May 25, 2008
Testimony period for party in position of defendant to close (opening 30 days prior thereto)	June 24, 2008	July 24, 2008
Rebuttal testimony period to close (opening 15 days prior thereto)	August 8, 2008	September 7, 2008

Julie Seyler, counsel for Applicant, consented to this request to extend the foregoing dates. Good cause exists for the requested extension. The parties are discussing settlement. Opposer has made a settlement proposal which Applicant is considering. Applicant has a board meeting on May 7, 2008, at which it intends to discuss Opposer's proposal. The requested extension will allow the parties to conclude settlement negotiations prior to the close of Opposer's testimony period. The extension is not sought for purposes of delay and both parties consent to the extension.

II. STATUS REPORT

Pursuant to the Board's order dated February 28, 2007, footnote 1, Opposer provides the following report on the progress of this matter.

Discovery in this matter closed on November 27, 2007. Prior to the close of discovery, Opposer served Requests for Production and Interrogatories on Applicant. Applicant provided its response to those discovery requests on February 11, 2008.

Following its receipt of Applicant's discovery responses, Opposer prepared and sent to Applicant a meet and confer letter regarding deficiencies in its responses. Thereafter, on March 18, 2008, Applicant responded to Opposer's meet and confer letter and served supplemental responses to Opposer's First Set of Interrogatories. Applicant's letter and responses addressed the deficiencies identified by Opposer.

Opposer's testimony period opened on March 26, 2008. Thereafter, Opposer noticed the testimonial deposition of Opposer's President Christopher C. Chidi, M.D. to take place on April 25, 2008. Opposer also made a settlement proposal to Applicant on April 21, 2008.

Applicant is now considering Opposer's proposal, but has advised Opposer that it will not be able to make a formal response or counter-offer until the proposal has been considered by


Applicant's Board of Directors, which does not meet again until May 7, 2008. Applicant has suggested that the parties agree to the extension requested herein, to allow Applicant to consider and respond to Opposer's settlement proposal prior to the taking of any testimonial depositions.

Accordingly, the parties request the instant 30 day extension of the testimony periods so that Applicant may consider and respond to Opposer's settlement proposal prior to the expiration of Opposer's testimony period.

Thus, the Board's approval of the request is earnestly solicited..

Respectfully submitted,

Dated: April 24, 2008



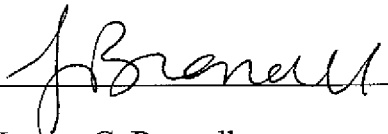
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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing CONSENTED TO MOTION TO
RESET TESTIMONY PERIODS has been sent by email to the attorney of record for Applicant:

Julie B. Seyler, Esq.
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Dated: April 24, 2008



Jessica C. Bromall