

ESTTA Tracking number: **ESTTA213157**

Filing date: **05/22/2008**

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

Proceeding	91162940
Party	Plaintiff La Vida Medical Group, Inc.
Correspondence Address	Brian W. Kasell Jeffer, Mangels, Butler & Mangels 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067-4308 UNITED STATES trademarkdocket@jmbm.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Jessica C. Bromall
Filer's e-mail	trademarkdocket@jmbm.com,bwk@jmbm.com
Signature	/jessica c. bromall/
Date	05/22/2008
Attachments	5-22 Motion to Extend Trial Dates.pdf (4 pages)(69033 bytes)

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

LA VIDA MEDICAL GROUP, INC., Opposer, v. VIDACARE, INC., Applicant.	Opposition No.: 91/162940 Application Serial No.: 78/267,318 Mark: VIDACARE Published for Opposition: June 22, 2004 Atty. Ref. No.: 58668-0018
---	--

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

CONSENTED MOTION TO RESET TESTIMONY PERIODS

I. **REQUEST TO EXTEND TRIAL DATES**

On April 24, 2008, Opposer, with Applicant's consent, requested that the discovery and testimony periods set by the Board be extended and re-set to allow the parties time to consider settlement. As of today's date the parties have received no response to that motion.

The parties are in the process of finalizing a settlement agreement. Accordingly, Opposer, with Applicant's consent, again requests that the discovery and testimony periods set by the Board be extended and re-set, to allow the parties the opportunity to conclude settlement negotiations. The requested dates are as follows:

	<u>Original Date</u>	<u>Date Requested on April 24, 2008</u>	<u>Date Currently Requested</u>
Testimony period for party in position of plaintiff to close (opening 30 days prior thereto)	April 25, 2008	May 25, 2008	June 24, 2008
Testimony period for party in position of defendant to close (opening 30 days prior thereto)	June 24, 2008	July 24, 2008	August 23, 2008
Rebuttal testimony period to close (opening 15 days prior thereto)	August 8, 2008	September 7, 2008	October 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 in the process of finalizing a settlement agreement. 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.


Opposer made a settlement proposal to Applicant on April 21, 2008. The parties have reached a tentative agreement regarding settlement and are now in the process of finalizing a written settlement agreement.

Accordingly, the parties request the instant 30 day extension of the testimony periods to ensure that they are able to finalize the settlement agreement prior to the expiration of Opposer's testimony period.

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

Respectfully submitted,

Dated: May 22, 2008



Rod S. Berman
Jessica C. Bromall
JEFFER, MANGELS, BUTLER & MARMARO LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Opposer Quiksilver, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing CONSENTED TO MOTION TO RESET TESTIMONY PERIODS has been sent by first class mail, postage prepaid, to the attorney of record for Applicant:

Julie B. Seyler, Esq.
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017-5612
jbsaylor@lawabel.com

Dated: May 22, 2008

Jessica C. Bromall