

# TTAB

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.

Our Ref.: 58668-0018

Opposition No. 91-162940

Mark: VIDACARE

App. No.: 78/267,318

## CONSENTED MOTION TO RESET DISCOVERY AND TESTIMONY PERIODS

Opposer La Vida Medical Group, Inc., with the consent of applicant Vidacare, Inc., requests that the discovery and testimony periods set by the Trademark Trial and Appeal Board be extended and re-set, as follows:

	<u>Old Date</u>	<u>New Date</u>
Discovery to close	December 3, 2005	March 3, 2006
Testimony period for party in position of plaintiff to close (opening 30 days prior thereto)	March 1, 2006	June 1, 2006
Testimony period for party in position of defendant to close (opening 30 days prior thereto)	May 1, 2006	August 31, 2006
Rebuttal testimony period to close (opening 15 days prior thereto)	June 15, 2006	September 15, 2006



11-30-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

Victor K. Sapphire, counsel for Opponent, and Stephen J. Quigley, counsel for Applicant, mutually consented to extend the foregoing dates pursuant to a telephone conference on November 23, 2005.

The parties have stipulated to a three-month extension of time for all Discovery and Testimony period dates. The extension is necessary so that the parties may continue their settlement discussions in this case prior to going forward with discovery and testimony. It is not for the purpose of delay.

Good cause exists for the requested extension because it is not offered for purposes of delay and both parties consent to the extension.


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

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

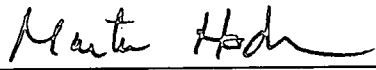
Dated: November 23, 2005

By:

  
Victor K. Sapphire, Esq.  
Attorney for Opposer  
1900 Avenue of the Stars, Seventh Floor  
Los Angeles, California 90067-4308  
(310) 203-8080


**CERTIFICATE OF MAILING**

The undersigned hereby declares under the penalty of perjury that the enclosed **CONSENTED MOTION TO RESET DISCOVERY AND TESTIMONY PERIODS** was forwarded to the Commissioner for Trademarks, PO Box 1451, Alexandria, Virginia 22313-1451, via first class mail, postage prepaid, on this 28th day of November, 2005.

  
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Marta Hodur

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the within **CONSENTED MOTION TO RESET DISCOVERY AND TESTIMONY PERIODS** was served via U.S. Mail upon the Applicant, by depositing a copy thereof in the mail, postage prepaid, directed to Stephen J. Quigley, Esq., Abelman, Frayne & Schwab, 150 East 42nd Street, New York, New York 10017-5612 on this 28th day of November, 2005.

  
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Marta Hodur