

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 18, 2009

Opposition No. 91167354

May Department Stores
International, Inc

v.

Luxi Group, Inc., assignee of
Odimo Acquisition Corporation

George C. Pologeorgis, Interlocutory Attorney:

Opposer's consented motion (filed September 18, 2009) to further extend discovery and trial dates by ninety days so that the parties may finalize settlement is noted.

By order dated August 20, 2009, the Board advised the parties that it would not entertain any future requests to extend or suspend, whether consented to or not, absent a showing of extraordinary circumstances. The Board finds the reasons set forth in support of opposer's latest consented request to extend do not constitute extraordinary circumstances. The Board, however, encourages and promotes settlement efforts between parties in matters before it, particularly in cases like the instant one which has been ongoing for approximately four years. Although reluctant to

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do so, the Board nonetheless hereby grants opposer's latest consented motion to extend.

Accordingly, discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: **12/18/2009**

Testimony period for party in position of plaintiff
to close: (opening thirty days prior thereto) **3/18/2010**

Testimony period for party in position of defendant
to close:(opening thirty days prior thereto) **5/17/2010**

Rebuttal testimony period to close:
(opening fifteen days prior thereto) **7/1/2010**

The Board advises the parties, however, that the Board will no longer entertain any further motions to extend and/or suspend for settlement purposes (whether consented to or not) at any future juncture in this proceeding. The parties should be prepared to proceed with litigating this matter in the event they reach an impasse with settlement negotiations.