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

Proceeding	91169106
Party	Plaintiff OS Asset, Inc. and Outback Steakhouse of Florida, Inc.
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Submission	Motion to Extend
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Date	01/09/2008
Attachments	OS Asset Motion to Extend.pdf ( 3 pages )(75123 bytes )

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In The Matter Of Application Serial No. 78/407,551  
Published In The *Official Gazette*, October 11, 2005

OS Asset, Inc. and	)	
Outback Steakhouse of Florida, Inc.,	)	Opposition No. 91169106
	)	
Opposers,	)	
	)	
v.	)	
	)	
Ronnie D. Fife,	)	
	)	
Applicant.	)	
	)	

**OPPOSERS' MOTION TO EXTEND DEADLINES**

Opposers OS Asset, Inc. and Outback Steakhouse of Florida, Inc., (“Opposers” or “Outback”) respectfully move to extend all pending dates and deadlines in this proceeding by three months. On August 22, 2007, the Board found for the second time that Applicant was in technical default for failing to file a proper answer. (Doc. No. 13; *see also* Doc. No. 4). The Board gave Applicant until September 21, 2007 to file an answer. (Doc. No. 13). By October 5, Applicant had not done so, and Opposers again moved for default judgment. (Doc. Nos. 14 & 15).

Opposers have refrained from conducting discovery while their dispositive motion is pending, because without an answer from Applicant, Opposers cannot know Applicant’s defenses and the full scope of discovery is uncertain. In addition, Opposers have sought to avoid unnecessary effort by and expense to the parties. Applicant likewise has conducted no discovery. The period for discovery closes on January 15, 2008. Opposers’ Second Motion for

Default Judgment remains pending. In order to preserve the parties' ability to conduct complete discovery, Opposers respectfully move to extend the pending dates and deadlines in this proceeding as follows:

Period for discovery to close:	Extend from 1/15/08 to	<b>4/15/08</b>
30-day testimony period for party in position of Plaintiff to close:	Extend from 4/14/08 to	<b>7/14/08</b>
30-day testimony period for party in position of Defendant to close:	Extend from 6/13/08 to	<b>9/13/08</b>
15-day rebuttal testimony period for party in position of Plaintiff to close:	Extend from 7/29/08 to	<b>10/29/08</b>

The requested extension is necessary for both parties to fully complete discovery. If Opposers' motion for default is denied, the full scope of discovery will be unknown until a proper answer has been filed and the claims and defenses of the parties are fully delineated. The extension will not prejudice Petitioner, who, like Opposers, has completed no discovery. Opposers therefore respectfully request that the Board extend all pending dates and deadlines by three months.

Respectfully submitted,



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Attorneys for OS Asset, Inc. and  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Opposers' Motion to Extend Deadlines was served on Applicant this 9th day of January, 2008, by placing it in the United States Mail, postage-prepaid, addressed to Applicant at 1449 East "F" Street, Suite 101E #216, Oakdale, CA 95361, and by email at rfife@cali-outback.com.

  
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Kristopher J. Armstrong

**CERTIFICATE OF FILING**

I hereby certify that the foregoing Opposers' Motion to Extend Deadlines was electronically filed this 9th day of January, 2008, through the Electronic System for Trademark Trials and Appeals.

  
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Kristopher J. Armstrong