

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

IN THE MATTER OF APPLICATION SERIAL NO. 78/671,246
PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 9, 2006

THIERRY MUGLER PARFUMS S.A.S.,) Opposition No.: 91172690
)
Opposer,)
)
v.)
)
DUDLEY PRODUCTS, INC.,)
)
Applicant.)

TTAB

**MOTION FOR 21 DAY EXTENSION OF TIME FOR APPLICANT TO RESPOND
TO DISCOVERY FROM PRIOR AGREED EXTENSION BY THE PARTIES**

Applicant, Dudley Products, Inc., by and through its attorneys, Burton S. Ehrlich of Ladas & Parry LLP, moves for a twenty-one (21) day extension of time to respond to outstanding discovery. This extension would apply to:

1. Opposer's First Set of Interrogatories (Nos. 1-21 with approximately 41 numbered subparts);
2. Opposer's First Set of Requests For Production of Documents And Things; and
3. Opposer's First Set of Requests For Admissions.

As shown by the above, the discovery requested is extensive with twenty-one (21) separate Interrogatories alone, having approximately 41 lettered subparts, not counting also having to respond to a set of Requests for Documents and a set of Requests for Admissions.



10-25-2007

Counsel for the parties previously agreed to an extension for both parties to respond to the outstanding discovery by October 19, 2007. The rationale behind both parties holding-off on discovery was to pursue a possible settlement agreement. As the October 19, 2007 date for discovery responses approached Applicant's counsel advised Opposer's counsel that he was awaiting final authority for a submission of a settlement proposal. A possible settlement proposal had also earlier been requested from Opposer's counsel, but no offer of settlement was received. Applicant's counsel believed that with the settlement discussions and being close to having final authority for providing a settlement offer that there would be continued agreement on holding-off on the serving of discovery responses and instead the parties would remain focused at possible settlement opportunities in advance of pursuing discovery. The Applicant's counsel also agreed to as needed extend the Opposer's testimony period, so as to not prejudice Opposer's counsel with having not received discovery prior to the beginning of the Opposer's testimony period.

As further grounds for this extension it should also be considered that the Applicant's counsel has been since the time period of the last agreed extension heavily involved in matters pertaining to the completion of a discovery cut-off in a Federal District Court action, as well as in another case involving the

filing of a preliminary injunction in a Federal Court action. Matters have involved out of state travel for depositions, as well as the completion of expert witness depositions. These matters have created difficulties in conferring with the Applicant's counsel regarding obtaining final approval for a proposed settlement offer. This extension is believed to be sufficient for the obtaining of approval for providing a settlement offer and should the settlement offer not appear to be viable for moving forward in discovery.

The requested discovery is potentially extensive and the input on the responses is extensive and is required on a number of potential events extending over time. Furthermore, it is necessary for the Applicant's counsel to confer with client based representatives, not fully versed on discovery in opposition proceedings, especially involving a significant number of Interrogatory questions, with subparts and the Responses to the Requests for Documents, as well as the responses to Requests for Admissions for the finalization of discovery responses.

This extension will also better allow the Applicant to confer and coordinate the discovery responses with his client's representatives. The Applicant herein requests a twenty-one (21) day extension of the time period for serving its discovery responses. With this extension the discovery responses will be

reset from being due presently on October 19, 2007, and will now become due on November 9, 2007.

For the foregoing rationale, it is respectfully requested that this extension be granted and the extension of time for discovery responses be permitted for the additional twenty-one (21) day extension and until and including November 9, 2007.

Respectfully submitted,



By One of The Attorneys
For The Applicant

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to ATTN: TTAB; Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on this 23rd day of April, 2007.

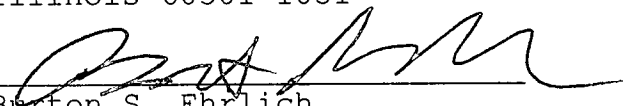


Burton S. Ehrlich

CERTIFICATE OF SERVICE

The undersigned, one of Applicant's attorneys, hereby certifies that on October 19, 2007, he caused true and correct copies of the foregoing MOTION FOR FIRST EXTENSION OF TIME FOR APPLICANT TO RESPOND TO DISCOVERY to be served upon Opposer's counsel by First Class mail, postage pre-paid on this 19th day of October, 2007 to Opposer's counsel at the following address:

Mary Catherine Merz
Merz & Associates, P.C.
1140 Lake Street
Suite 304
Oak Park, Illinois 60301-1051



Burton S. Ehrlich