

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

In The Matter of Application Serial No. 78/763,613: SKY FITNESS & WELLBEING

MARY E. INNIS,)

Opposer,)

v.)

WAGON, JAY,)

Applicant.)

Opposition No. 91174139

TTAB


**MOTION WITH CONSENT TO CONSOLIDATE THIS
PROCEEDING WITH OPPOSITION NO. 91173869 AND TO
EXTEND DISCOVERY AND TESTIMONY PERIODS**

Opposer, with the consent of Applicant, moves to Consolidate this proceeding with Opposition No. 91173869 because both Oppositions involve common questions of law or fact in that both Oppositions involve challenges to applicant's marks containing the words SKY FITNESS & WELLBEING and the parties and counsel in both Oppositions are the same. Opposer, with the consent of Applicant, also moves to extend the discovery and testimony periods for both Oppositions ninety (90) days from the dates set in this Opposition (the later filed Opposition), as follows:

- The period for discovery to close: December 8, 2007
- Testimony period for party in position of Plaintiff to close: March 7, 2008
- Testimony period for party in position of Defendant to close: May 6, 2008
- Rebuttal testimony period to close: June 20, 2008

Certificate of Mailing
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451 on August 24, 2007
M. Michelle Speck

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08-27-2007

This extension is sought to allow additional time for discovery to continue. Applicant's attorney, Craig S. Hilliard, consented to this extension by telephone.

Date: August 24, 2007

LOEB & LOEB LLP

By:

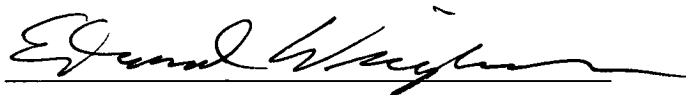


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Attorney for Opposer

CERTIFICATE OF SERVICE

I, Edward G. Wierzbicki, hereby certify that a copy of the foregoing **MOTION WITH CONSENT TO CONSOLIDATE THIS PROCEEDING WITH OPPOSITION NO. 91173869 AND TO EXTEND DISCOVERY AND TESTIMONY PERIODS** has been served upon Craig S. Hilliard, Esq., Stark & Stark, P.C., 993 Lenox Drive, Bldg 2, Lawrenceville, NJ 08648-2316 this 24th day of August, 2007, by facsimile and first class mail, postage prepaid.


Edward Wierzbicki