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

Proceeding	91175114
Party	Defendant Zoom Eyeworks, Inc. Zoom Eyeworks, Inc. 2501 9th Street, Suite 100 Berkeley, CA 94710 kkalan@bw-legal.com
Correspondence Address	K KALAN BERENBAUM, WEINSHIENK & EASON, P.C. 370 17TH ST STE 4800 DENVER, CO 80202-5698 UNITED STATES kkalan@bw-legal.com
Submission	Stipulated/Consent Motion to Extend
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Date	04/26/2007
Attachments	Motion for Extension - Discovery.pdf (3 pages)(27252 bytes)

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

Dioptics Medical Products, Inc.,)
)
Opposer,) Opposition No. 91175114
) Mark: SUNSHADES
vs.)
) Serial No. 78/876,313
Zoom Eyeworks, Inc.,) Published: May 4, 2006
)
Applicant.)

MOTION FOR EXTENSION OF TIME TO RESPOND TO
OPPOSER'S DISCOVERY REQUESTS WITH CONSENT

Subject to the approval of the Trademark Trial and Appeal Board, Applicant Zoom Eyeworks, Inc. (hereinafter "Applicant"), by and through its attorneys, Berenbaum, Weinshienk & Eason, P.C., hereby moves this Board for an extension of time to and including May 29, 2007 to file responses to the discovery requests filed by Dioptics Medical Products, Inc. (hereinafter "Opposer"), and that all subsequent dates be reset accordingly. In support of this Motion, Applicant states as follows:

1. On or about April 23, 2007, undersigned counsel contacted counsel for Opposer via email concerning an extension of time for Applicant to respond to Opposer's First Set of Interrogatories, First Set of Requests for Admission, and First Request for Production of Documents (the "Discovery Requests"). In response to the Applicant's queries, counsel for Opposer indicated that Opposer consented to Applicant's requests for extension of time, and to a thirty-day extension of all subsequent dates.
2. Applicant is, prior to grant of the extension requested herein, required to submit responses to Opposer's Discovery Requests on or before April 26, 2007.

3. This request is not made for purposes of delay, but rather is for good cause, as follows. Applicant is pursuing other avenues of resolution of this matter outside of the Opposition proceeding, including but not limited to settlement, and would ask that the Board allow the parties additional time to pursue such avenues of resolution. Additionally, Applicant is working with its attorneys to fully gather the information necessary to respond to Opposer's Discovery Requests. Applicant is taking steps to resolve the matter or otherwise fully respond to Opposer's Discovery Requests, and requests additional time to undertake the same.

4. Applicant anticipates that it will be able to file responses to Opposer's Discovery Requests on or before May 29, 2007.

5. Granting the additional time requested will not prejudice the rights of any party and is in the interest of fairness, substantial justice and the efficient use of Board resources.

WHEREFORE, Applicant respectfully requests that the Board grant Applicant to and including May 29, 2007 to file responses to the Opposer's Discovery Requests, and requests that all subsequent dates be extended by thirty days.

Respectfully submitted this 26th day of April, 2007.

BERENBAUM, WEINSHIENK & EASON, P.C.



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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2007, a true and correct copy of the above and foregoing MOTION FOR EXTENSION OF TIME TO RESPOND TO OPPOSER'S DISCOVERY REQUESTS WITH CONSENT was deposited with the United States Postal Service, pre-paid and properly addressed to:

David S. Bloch, Jennifer A. Golinveaux
Winston & Strawn LLP
101 California Street, Suite 3900
San Francisco, CA 94111-5894

*A duly signed copy is on file with the law offices of
Berenbaum, Weinshienk & Eason, P.C.*