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Filing date: **11/17/2008**

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

Proceeding	91175147
Party	Plaintiff Nature's Way Products, Inc.
Correspondence Address	Robyn L. Phillips WORKMAN NYDEGGER 60 East South Temple, Ste. 1000 Salt Lake City, UT 84111 UNITED STATES rphillips@wnlaw.com, jgarcia@wnlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Robyn L. Phillips
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Signature	/Robyn L. Phillips/
Date	11/17/2008
Attachments	10265_164 Stipulated Motion for Extension.pdf (3 pages)(97673 bytes)

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

In the matter of Trademark Application Serial No. 78/646,517
Published in the Official Gazette on September 19, 2006
International Class: 005
Filed: June 8, 2005
Mark: **VITALEX**

NATURE’S WAY PRODUCTS, INC.,)	Opposition No. 91175147
)	
Opposer,)	
)	
v.)	STIPULATED MOTION FOR
)	EXTENSION OF DISCOVERY
VITAPRO, INC.,)	AND TESTIMONY PERIODS
)	
Applicant.)	

Opposer Nature’s Way Products, Inc. and Applicant Vitapro, Inc., through the undersigned counsel, respectfully move for a one hundred and twenty (120) day extension of the discovery and testimony periods. This extension is necessary to allow the parties to engage in settlement discussions and negotiate the terms of an informal resolution of this matter.

The parties have initiated settlement discussions. Applicant’s counsel has been trying to reach his client. Accordingly, the present extension is requested to allow sufficient time for the parties to determine if this matter can be informally resolved without Board involvement or if not, to allow sufficient time for the completion of discovery.

Both parties believe that opening settlement discussions is worthwhile and that the parties may reach a mutually acceptable resolution of the present matter. Counsel for Applicant has been contacted and the undersigned certifies that all parties agree to submission of the present motion. Opposer's attorney has been authorized to submit this document on behalf of, and with the consent of, both parties to this Opposition proceeding.

Discovery Period to Close:	March 19, 2009
Testimony Period for Party in Position of Plaintiff to Close (Opening thirty days prior thereto)	June 17, 2009
Testimony Period for Party in Position of Defendant to Close (Opening thirty days prior thereto)	August 16, 2009
Rebuttal Testimony Period to Close (Opening fifteen days prior thereto)	September 30, 2009

DATED this 17th day of November, 2008.

By: /Robyn L. Phillips/
Robyn L. Phillips, Reg. No. 39,330

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Attorneys for Opposer
NATURE'S WAY PRODUCTS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **STIPULATED MOTION FOR EXTENSION OF DISCOVERY AND TESTIMONY PERIODS** was served on Applicant by mailing a true copy thereof to its attorney of record, by First Class Mail, postage prepaid this 17th day of November, 2008, in an envelope addressed as follows:

Marc E. Hankin
HANKIN PATENT LAW
11414 Thurston Circle
Los Angeles, California 90049-2435

/Robyn L. Phillips/

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