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Filing date: **01/23/2008**

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

Proceeding	91175685
Party	Plaintiff OMS Investments, Inc.
Correspondence Address	Susan E. Hollander, Laura M. Franco MANATT, PHELPS & PHILLIPS, LLP 1001 Page Mill Road, Building 2 Palo Alto, CA 94304 UNITED STATES patrademarks@manatt.com
Submission	Motion to Reopen
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Date	01/23/2008
Attachments	91175685 Consent Motion to Reopen Discovery period and reset testimony periods.pdf (2 pages)(48175 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/828,082
Mark: NOVAGRO

OMS Investments, Inc.)	
)	
Opposer,)	Opposition No. 91175685
)	
v.)	CONSENT MOTION TO
)	REOPEN DISCOVERY PERIOD
General Hydroponics, Inc.,)	AND RESET TESTIMONY
)	PERIODS
Applicant.)	
_____)	

Pursuant to Fed. R. Civ. P. 6(b) and 37 C.F.R. §§ 2.116(a) and TBMP §§ 509.01(a) and (b), Opposer OMS Investments, Inc. (“Opposer”) hereby submits this Consent Motion to Reopen the Discovery Period and Reset the Testimony Periods in this proceeding. Counsel for Applicant General Hydroponics, Inc. (“Applicant”) stipulated in writing to the requested extension of time on January 23, 2008. The parties request that the Board reopen the discovery period for 90 days, and reset the testimony periods according to the following schedule:

Discovery Period to Close:	April 22, 2008
30-day testimony period for party in position of plaintiff to close:	July 21, 2008
30-day testimony period for party in position of defendant to close:	September 19, 2008
15-day rebuttal period for party in position of plaintiff to close:	November 3, 2008

**CONSENT MOTION TO REOPEN
DISCOVERY AND RESET TESTIMONY PERIODS**

This motion is requested in good faith and not for purposes of delay. The parties had been engaged in settlement discussions, which ultimately were not successful. Accordingly, the parties request that the Board grant this motion to reopen the discovery period and reset the testimony periods so that they may continue to investigate the claims and defenses herein.

Dated: January 23, 2008

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: Laura M. Franco ^{CK}
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Attorneys for Opposer *OMS Investments, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CONSENT MOTION TO REOPEN DISCOVERY PERIOD AND RESET TESTIMONY PERIODS** has been properly served, via first class mail, postage prepaid, and via e-mail on the following attorneys for Applicant this 23rd day of January, 2008.

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Sue Harryman
Sue Harryman