

ESTTA Tracking number: **ESTTA277114**

Filing date: **04/09/2009**

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

Proceeding	91183059
Party	Plaintiff John Varvatos Apparel Corp.
Correspondence Address	Susan M. Kayser Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, DC 20004 UNITED STATES ipdocketing@howrey.com
Submission	Stipulated/Consent Motion to Extend
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Date	04/09/2009
Attachments	Consent Motion to Further Extend Opposition Deadlines (09-APR-2009).pdf (3 pages)(627716 bytes)

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

In re Application No. 77/183,576
Applicant: Joseph Franco
Mark: Misc. Design
Filed: May 17, 2007

John Varvatos Apparel Corp.)	
)	
Opposer)	
)	
v.)	Opposition No. 91183059
)	
Joseph Franco)	
)	
Applicant)	

CONSENT MOTION TO FURTHER EXTEND OPPOSITION DEADLINES

Opposer John Varvatos Apparel Corp., through its undersigned counsel and with the consent of counsel for Applicant Joseph Franco, hereby moves the Board to extend the discovery period and reset the testimony period and trial deadlines in the above-captioned opposition proceeding for a period of sixty (60) days as indicated below:

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Initial Disclosure	4/12/2009	6/11/2009
Expert Disclosure	4/19/2009	6/18/2009
Discovery Period to Close	5/23/2009	7/22/2009
Plaintiff's Pre-trial Disclosure	7/7/2009	9/5/2009
Plaintiff's 30-day Trial Period Ends	8/20/2009	10/19/2009
Defendant's Pre-trial Disclosures	9/7/2009	11/6/2009
Defendant's 30 day Trial Period Ends	10/21/2009	12/20/2009
Plaintiff's Rebuttal Disclosures	11/6/2009	01/05/2010
Plaintiff's 15 day Rebuttal Period Ends	12/6/2009	02/04/2010

The grounds for this motion are as follows:

- (1) The parties are unable to complete discovery and testimony during the assigned period;
- (2) The parties are engaged in settlement discussions; and
- (3) Applicant's attorney consented to all of the above extensions via e-mail on April 9, 2009.

This consent motion is made in good faith and with consent of the Applicant's counsel.

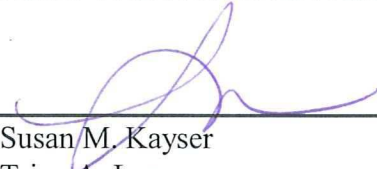
For the reasons set forth above, Opposer respectfully requests that the Board grant the extension of the remaining deadlines in the above-captioned opposition proceeding.

Respectfully submitted,

JOHN VARVATOS APPAREL CORP.

Date: April 9, 2009

By:



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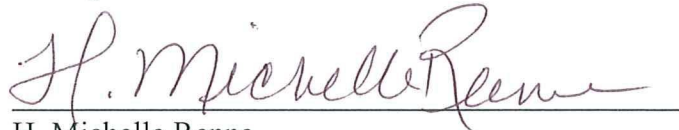
Attorneys for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Consent Motion to Further Extend Opposition Deadlines was served on the following attorney of record for Applicant by U.S. mail, first class, postage prepaid and electronic mail this 9th day of April 2009:

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