

ESTTA Tracking number: **ESTTA249963**

Filing date: **11/19/2008**

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	Christopher M. Turk John Varvatos Apparel Corp. 3411 Silverside Road Wilmington, DE 19810 UNITED STATES chris_turk@vfc.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Susan M. Kayser
Filer's e-mail	ipdocketing@howrey.com, kaysers@howrey.com, casavalec@howrey.com, chris_turk@vfc.com
Signature	/SMK/
Date	11/19/2008
Attachments	Extension.pdf (3 pages)(692035 bytes)

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

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

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

CONSENT MOTION TO 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 remaining testimony period deadlines in the above-captioned opposition proceeding for a period of ninety (90) days and reset the testimony period, as well as reinstate or reopen the Initial Disclosure and Expert Disclosure deadlines as indicated below:

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Initial Disclosure	Closed	<i>1/12/2009</i>
Expert Disclosure	Closed	<i>1/19/2009</i>
Discovery Period to Close	11/24/2008	<i>2/22/2009</i>
Plaintiff's Pre-trial Disclosure	1/8/2009	<i>4/8/2009</i>
Plaintiff's 30-day Trial Period Ends	2/22/2009	<i>5/22/2009</i>
Defendant's Pre-trial Disclosures	3/9/2009	<i>6/9/2009</i>
Defendant's 30 day Trial Period Ends	4/23/2009	<i>7/23/2009</i>

Plaintiff's Rebuttal Disclosures	5/8/2009	8/8/2009
Plaintiff's 15 day Rebuttal Period Ends	6/7/2009	9/7/2009

The grounds for this motion are as follows:

- (1) Opposer recently retained the undersigned counsel and requires time for new counsel to review the case, prepare discovery, and analyze, prepare, and introduce Opposer's evidence during the testimony period; and
- (2) The undersigned counsel spoke with Applicant's attorney yesterday and Applicant's attorney consented to all of the above extensions via e-mail on November 18, 2008.

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 as well as reinstate or reopen the Initial Disclosure and Expert Disclosure past deadlines, as consented by Applicant, and as indicated above.

* * *

Respectfully submitted,

THE NORTH FACE APPAREL CORP.

By: 

Susan M. Kayser
Attorney for Opposer
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2402
202.783.0800

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Consent Motion to Extend Testimony Period Deadlines was served on the following attorney of record for Applicant by U.S. mail, first class, postage prepaid and electronic mail this 19th day of November 2008:

Anna Vishev, Esq.
OSTROLENK FABER GERB & SOFFEN LLP
1180 Avenue of the Americas
New York, NY 10036-8403
E-mail: AVishev@ostrolenk.com
Attorney for Franco, Joseph


