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Filing date: **01/12/2009**

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	01/12/2009
Attachments	JVAP v. Franco.Consent Motion to Further Extend Opposition Deadlines.pdf ( 3 pages )(113806 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 ninety (90) days as indicated below:

	<u><b>Current Deadline</b></u>	<u><b>Proposed Deadline</b></u>
Initial Disclosure	<b>1/12/2009</b>	<b>4/12/2009</b>
Expert Disclosure	<b>1/19/2009</b>	<b>4/19/2009</b>
Discovery Period to Close	<b>2/22/2009</b>	<b>5/23/2009</b>
Plaintiff's Pre-trial Disclosure	<b>4/8/2009</b>	<b>7/7/2009</b>
Plaintiff's 30-day Trial Period Ends	<b>5/22/2009</b>	<b>8/20/2009</b>
Defendant's Pre-trial Disclosures	<b>6/9/2009</b>	<b>9/7/2009</b>
Defendant's 30 day Trial Period Ends	<b>7/23/2009</b>	<b>10/21/2009</b>
Plaintiff's Rebuttal Disclosures	<b>8/8/2009</b>	<b>11/6/2009</b>
Plaintiff's 15 day Rebuttal Period Ends	<b>9/7/2009</b>	<b>12/6/2009</b>

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 January 9, 2009.

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

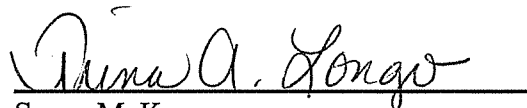
For the reasons set forth above, Opposer respectfully requests that the Board grant the extension of the remaining deadlines in the above-captioned opposition proceeding.

Respectfully submitted,

JOHN VARVATOS APPAREL CORP.

Date: January 12, 2009

By:



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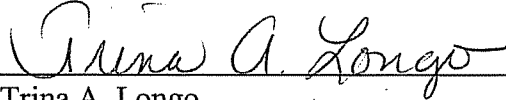
Attorneys for Opposer

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 12th day of January 2009:

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Attorney for Joseph Franco

  
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