

ESTTA Tracking number: **ESTTA340955**

Filing date: **04/06/2010**

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

Proceeding	91193173
Party	Defendant Galenica AG
Correspondence Address	Lisa Adams Nutter McClennen & Fish LLP 155 Seaport Blvd. Boston, MA 02210-2604 UNITED STATES
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lisa Adams
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Signature	/Lisa Adams/
Date	04/06/2010
Attachments	Request for Extension (4.6.10).pdf (3 pages)(73996 bytes)

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

In the matter of:

Application Serial No.: 79/058,308
Mark: VIFOR PHARMA
Filing Date: February 12, 2008
Publication Date: September 1, 2009

_____)	
VIROPHARMA INCORPORATED,)	
)	Opposition No.: 91/193,173
Opposer,)	
)	
v.)	
)	
GALENICA AG,)	
)	
Applicant.)	
_____)	

REQUEST FOR EXTENSION OF TIME OF DISCOVERY AND TRIAL DEADLINES

Applicant Galenica AG (“Galenica”), through its authorized attorney, hereby requests that it be granted a 30-day extension of time within which to serve its Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) and 37 CFR §2.120(a). This extension of the Initial Disclosure deadline necessitates a corresponding 30-day extension of the remainder of the discovery and trial deadlines applicable to both parties. In support of this request, Galenica states as follows:

1. The extensions requested herein will give Galenica and Opposer Viropharma Incorporated an opportunity to continue their discussions regarding a potential resolution of their dispute concerning the VIFOR PHARMA mark.
2. This request for an extension is made in good faith and not for the purpose of unnecessary delay.

3. This is the first extension of time requested in this action.

4. Opposer's attorney, Natalie A. Ward of Morgan, Lewis & Bockius LLP,

Washington, D.C, assented to these extensions by phone on April 1, 2010 and by electronic mail on April 6, 2010.

5. Granting the requested extension would extend the deadlines as follows:

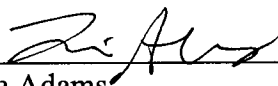
Initial Disclosures Due	May 3, 2010
Expert Disclosures Due	August 31, 2010
Discovery Closes	September 30, 2010
Plaintiff's Pretrial Disclosures	November 15, 2010
Plaintiff's 30-day Trial Period Ends	December 29, 2010
Defendant's Pretrial Disclosures	January 13, 2011
Defendant's 30-day Trial Period Ends	February 28, 2011
Plaintiff's Rebuttal Disclosures	March 14, 2011
Plaintiff's 15-day Rebuttal Period Ends	April 14, 2011

For the foregoing reasons, Galenica requests that its first request for a 30-day extension of the discovery and trial deadlines be granted.

GALENICA AG,

By its attorneys,

Date: April 6, 2010

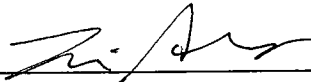


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CERTIFICATE OF SERVICE

I, Lisa Adams, certify that on April 6, 2010, I served a copy of the foregoing document by facsimile with a confirmation copy to be sent by First Class Mail to counsel for Opposer VIROPHARMA INCORPORATED:

Anita B. Polott
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Facsimile: (202) 739-3001



Lisa Adams

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