

ESTTA Tracking number: **ESTTA345324**

Filing date: **05/03/2010**

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 155 SEAPORT BLVD. BOSTON, MA 02210-2604 UNITED STATES docket@nutter.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lisa Adams
Filer's e-mail	ladams@nutter.com, hrepicky@nutter.com
Signature	/Lisa Adams/
Date	05/03/2010
Attachments	Second Request for Extension (5.3.10).pdf ( 3 pages )(73913 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,	)	
	)	
Opposer,	)	Opposition No.: 91/193,173
	)	
v.	)	
	)	
GALENICA AG,	)	
	)	
Applicant.	)	
	)	

**CONSENTED-TO 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 second extension of time requested in this action.

4. Opposer's attorney, Anita B. Polott of Morgan, Lewis & Bockius LLP, Washington, D.C, assented to these extensions by electronic mail on May 2, 2010.

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


Initial Disclosures Due	June 3, 2010
Expert Disclosures Due	September 30, 2010
Discovery Closes	November 1, 2010
Plaintiff's Pretrial Disclosures	December 15, 2010
Plaintiff's 30-day Trial Period Ends	January 28, 2011
Defendant's Pretrial Disclosures	February 14, 2011
Defendant's 30-day Trial Period Ends	March 30, 2011
Plaintiff's Rebuttal Disclosures	April 13, 2011
Plaintiff's 15-day Rebuttal Period Ends	May 16, 2011

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

GALENICA AG,

By its attorneys,

Date: May 3, 2010

  
\_\_\_\_\_  
Lisa Adams  
NUTTER MCCLENNEN & FISH LLP  
Seaport West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2550  
(617) 310-9550 (Fax)

**CERTIFICATE OF SERVICE**

I, Lisa Adams, certify that on May 3, 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

1918262.1