

ESTTA Tracking number: **ESTTA14163**

Filing date: **08/27/2004**

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

Proceeding	92041018
Party	Defendant REFAELY AND SONS INC. 7964 ARJONS SUITE F (IN THE REAR) SAN DIEGO, CA 92126
Correspondence Address	ANDREW LACHMAN EISNER & ASSOCIATES 9777 WILSHIRE BOULEVARD, SUITE 718 BEVERLY HILLS, CA 90212
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Andrew Lachman, Esq.
Filer's e-mail	lachmanlaw@hotmail.com
Signature	/Andrew Lachman/
Date	08/27/2004
Attachments	EXTENDDISC.tif (5 pages)

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited electronically and with the United States Postal Service as First Class Express Mail in an envelope addressed to: Box NO FEE, Patent and Trademark Office Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on:

Date of Mailing: 8/27/04
Printed Name of Depositor: Andrew Lachman
Signature of Depositor: [Signature]
Date of Signing: 8/27/04

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

In the matter of trademark registration Serial No. 2,352,015

For the mark BENEFEET

LANGER, INC.
Petitioner,

v.

Cancellation Proceeding No. 92041018

REFAELY AND SONS, INC.
Registrant.

Law Offices of Andrew Lachman
9952 Santa Monica Blvd. 1st Floor
Beverly Hills, CA 90212

Box TTAB NO FEE
Trademark Trial and Appeals Board
2900 Crystal Drive
Arlington, VA 22202-3513

**DEFENDANT'S MOTION FOR EXTENSION OF TRIAL AND DISCOVERY BY
STIPULATION**

TO PLAINTIFF AND TO ITS ATTORNEYS OF RECORD:

The above party motions for an extension of time to answer to answer the complaint pursuant to TBMP 403.04.


1. The parties have begun settlement discussions that may enable the parties to avoid further litigation. However, due to a personal situation involving counsel for Refaely & Sons, counsel will not be able to render legal services for 75 days
2. Pursuant to the letter received from opposing counsel on August 27, 2004, both parties have agreed and stipulate that Refaely & Sons may, with the consent of the Trademark Trial and Appeals Board, extend all discovery and trial dates for the cancellation proceeding as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: February 26, 2005

Testimony period for party in position of plaintiff to close: May 26, 2005
(opening thirty days prior thereto)

Testimony period for party in position of defendant to close: July 26, 2005
(opening thirty days prior thereto)

Rebuttal testimony period to close: September 10, 2005
(opening fifteen days prior thereto)

By 
Andrew Lachman, Attorney for Refaely & Sons, Inc.

Date 8/27/04

Approved _____
Trademark Trial and Appeal Board

Date: _____

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**ORDER (PROPOSED) EXTENDING TRIAL AND DISCOVERY DATES BY
STIPULATION**

Defendant Refaely & Sons, Inc. came before the Trademark Trial and Appeals Board and presented a Motion to Extend Trial and Discovery by Stipulation. The Trademark Trial and Appeals Board hereby grants the motion and orders that the trial and discovery dates shall be set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: February 26, 2005

Testimony period for party in
position of plaintiff to close: May 26, 2005
(opening thirty days prior thereto)

Testimony period for party in
position of defendant to close: July 26, 2005
(opening thirty days prior thereto)

Rebuttal testimony period to close
(opening fifteen days prior thereto)

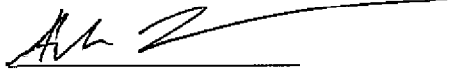
September 10, 2005

It is so ordered,

PROOF OF SERVICE

I hereby certify that on August 27, 2004, this MOTION TO EXTEND TRIAL DATE AND DISCOVERY was served by me via United States Mail, First Class to:

Harold James
Epstein Drangel Bazerman & James, LLP
60 East 42nd Street, Suite 820
New York, New York 10165



Andrew Lachman, Esq.