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

In re Trademark Application of:

Agway, Inc.

Serial No. 75/428,424

Filed: February 3, 1998

Mark: COUNTRY BEST

Published: Official Gazette on August 12, 1998

02-25-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #66

AGREED REQUEST FOR FURTHER EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Attn.: Box TTAB

Dear Sir or Madam:

Walton & Post, Inc., a Florida corporation, ("Potential Opposer") having its principal office at 8105 N.W. 77 Street, Miami, Florida 33166, by and through its undersigned attorney, hereby requests an extension of time of thirty (30) days expiring March 26, 2002, in which to oppose the above-identified trademark application. Counsel for Applicant, Lorrie K. Turner-Proulx, Esq., has consented to this extension.

Potential Opposer believes that it may be damaged by registration of Applicant's alleged mark.

The reason for this request is that additional time is required to allow the parties to finalize a Settlement Agreement within the next thirty (30) days.

J.A.

Potential Opposer herein recognizes that the Board has previously issued Order(s) requiring showing of extraordinary circumstances before granting a further extension of time as requested herein. It is respectfully asserted that the circumstances surrounding the instant request are, in fact, out of the ordinary and merit an additional extension. In particular, Potential Opposer herein is and has been engaged in several outstanding proceedings before the Trademark Trial and Appeal Board with the Applicant herein, Agway, Inc., over the registration of the same mark sought to be registered by Applicant herein, ("COUNTRY BEST"), to wit Opposition No. 112,993, Opposition No. 111,206 and Cancellation No. 27,418. In addition, several pending applications have been suspended pending the outcome of the above proceedings, to wit, Potential Opposer's Applications Serial No. 75/350,634 and Serial No. 75/470,516, and Applicant's Application Serial No. 75/378,995. Finally, Potential Opposer herein has consented to an extension of time for Applicant herein to oppose Potential Opposer' published application for "COUNTRY BEST," Serial No. 75/470,513.

Given the numerous registrations and applications at issue between the parties, settlement negotiations have been complex, as any settlement must necessarily cover all issues raised therein. In addition, the undersigned has forwarded signed settlement documents, and is expecting shortly a final settlement document executed by the Applicant, which should resolve this matter, as well as all matters pertaining to use and registration of the mark "COUNTRY BEST."

Accordingly, given the foregoing, Potential Opposer suggests that the additional extension is merited, in order to fully explore the complex settlement issues to be addressed, and determine whether the settlement document to be received shortly will resolve this matter. Further, it is believed that the addition of further opposition proceedings between the parties at this time would be counterproductive, and an inefficient use of the parties', and the Board's, resources and time.

This Request is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

Respectfully Submitted,

Date: February 25, 2002

By: _____

John Cyril Malloy, III
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing AGREED REQUEST FOR FURTHER EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION was served upon Lorrie K. Turner-Proulx, Esq. and Edwin T. Bean, Jr., Esq., HODGSON RUSS ANDREWS WOODS & GOODYEAR, 1800 One M & T Plaza, Buffalo, New York 14203 , by United States mail, postage pre-paid this 25th day of February, 2002.

Respectfully Submitted,

By: _____
John Cyril Malloy, III
Florida Bar No. 964,220
Andrew W. Ransom
Florida Bar No. 964,344

CERTIFICATE OF MAILING

I HEREBY CERTIFY that an original and two copies of the foregoing document is being deposited by United States mail, Express Mail, Express Mail Label EL 920392773 US, addressed to: Assistant Commissioner for Trademarks, BOX TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513, this 25th day of January, 2002.

By: _____
John Cyril Malloy, III
Florida Bar No. 964,220
Andrew W. Ransom
Florida Bar No. 964,344

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