

EV413972589US

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

In re Application of:
Goy Widmer y Cia S.A.

12-24-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #77

Serial No. 75/529,191
Filed: July 31, 1998
Mark: ORIETA

Commission for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Re: Request Under Rule 2.102 To Extend
Time for Filing Notice of Opposition

In the matter of the above-identified application which was published in the Official Gazette of November 9, 1999, page TM 100:

The parties timely filed a request to extend the time in which to file a Notice of Opposition until December 21, 2003. It is respectfully requested that the time for filing a Notice of Opposition to the above applications be extended for an additional period of sixty (60) days from December 21, 2003 to and including February 19, 2004.

In response to the letter mailed by the Trademark Trial and Appeal Board on November 14, 2003 which stated no further extensions would be granted in the absence of showing extraordinary circumstances, the parties believe that extraordinary circumstances exist here. The reason that the parties believe that extraordinary circumstances exist here is as follows:

The parties entered into an agreement on December 11, 2002 to avoid an opposition. Applicant agreed to amend its identification of goods in its application pursuant to the Agreement. Applicant filed its amendment and this matter was suspended by the U.S. Patent and Trademark Office while the Examining Attorney reviewed applicant's amendment to its application. The parties were informed that the Examining Attorney refused entry of applicant's proposed amendment and afforded potential Opposer

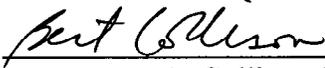
until August 23, 2003 to file a Notice of Opposition. As noted above, subsequent extensions have been granted while applicant continues to amend the identification of goods to obtain approval by the Examining Attorney. The reason that negotiations between applicant and its attorney have been delayed is that the applicant is in Argentina and communication is difficult. The parties are working together to resolve this matter but further time is required and the filing of an opposition would only cause undue burden on the Trademark Trial and Appeal Board.

In view of these circumstances the parties respectfully request that a further extension be granted.

Applicant's attorney has agreed to this further extension.

Respectfully submitted,
Duane Morris LLP
Attorneys for Potential Opposer

Dated: December 22, 2003
New York, New York

By: 
Bert A. Collison (Of Counsel)
Gianfranco G. Mitrione

380 Lexington Avenue
New York, New York 10168
(212) 692-1000

Potential Opposer:
Promark International, Inc.
877 West Main Street
Boise, Idaho 83702

CERTIFICATE OF EXPRESS MAIL

Express Mail mailing number: EV 413972589 US

Date of Deposit: December 22, 2003

I hereby certify that the attached Request to Extend Time for Filing a Notice of Opposition is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. 1. 10 on the date indicated above and is addressed to Commissioner of Trademarks, 2900 Crystal Drive, Arlington Virginia 22202-3514.

By: Sheila Donnelly

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Request to Extend Time for Filing a Notice of Opposition was forwarded to Jane F. Collen, Esq., Collen Law Associates, P.C., The Holyoke-Manhattan Building, 80 South Highland Avenue, Ossining, New York 10562 attorneys for applicant, by first class mail, postage prepaid, on December 22, 2003.

By: Sheila Donnelly