

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

In the matter of:

Applicant)	Mediquest Therapeutics, Inc.
Serial No.)	78/114,952
Filed)	March 14, 2002
Mark)	NEUROQUEST
Published In Official Gazette)	September 24, 2002 TM 388

BOX TTAB
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



03-21-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

**FOURTH STIPULATED REQUEST FOR AN EXTENSION OF TIME
TO FILE A NOTICE OF OPPOSITION**

Potential Opposer, Quest Diagnostics Incorporated, a Delaware Corporation, located at One Malcolm Avenue, Teterboro, New Jersey 07608, hereby respectfully requests an extension of thirty (30) days, up to and including April 22, 2003, in which to file a notice of opposition against the above-captioned application.

There is good cause for the Board to grant this fourth request. Applicant's attorney, Mr. Thomas Hoffmann, Esq., agreed to this additional extension of time on March 18, 2003. The TTAB has asked for an updated detailed explanation reciting what progress the parties have made toward resolving this matter since the last extension was filed on January 21, 2003. Potential Opposer hereby attaches as Exhibit A copies of e-mail correspondence dated March 18,

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EL858183785US "Express Mail Post Office to Addressee", in an envelope addressed to BOX TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this 21st day of March, 2003.


Jeanette Olivera

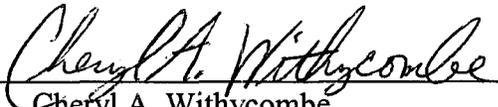
2003 and a letter dated March 14, 2003. The letter clearly sets forth settlement terms under which the Applicant could continue using its NEUROQUEST trademark. Applicant prays that this evidence is sufficient to prove that an additional extension of time is necessary in order to complete settlement of this matter.

Applicant needs this additional extension to determine whether it is necessary or advisable to file a notice of opposition. This request is not interposed for purposes of delay.

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

Respectfully submitted,

Dated: March 21, 2003

By: 
Cheryl A. Withycombe
Attorney for Potential Opposer
BAKER & McKENZIE
101 West Broadway, 12th Floor
San Diego, California 92101
(619) 236-1441

Withycombe, Cheryl

From: Wong, Pamela J
Sent: Tuesday, March 18, 2003 3:33 PM
To: Withycombe, Cheryl
Subject: FW: Quest Diagnostics Incorporated vs. MediQuest Therapeutics, Inc. - Your File: 67148350-1004 - Our File: 2101353-900308

-----Original Message-----

From: Hoffmann, Thomas [mailto:thoffmann@graycary.com]
Sent: Tuesday, March 18, 2003 3:22 PM
To: 'pamela.j.wong@bakernet.com'
Cc: Hoffmann, Thomas
Subject: Quest Diagnostics Incorporated vs. MediQuest Therapeutics, Inc.
- Your File: 67148350-1004 - Our File: 2101353-900308

Dear Pamela:

In response to your letter of March 14, 2003, which I am reviewing with our client, I agree to a 30-day extension of the March 22 and March 23 deadlines to oppose. Please attend to obtain the additional extensions with our consents.

<<...OLE_Obj...>>

Thomas J Hoffmann
GRAY CARY. TECHNOLOGY'S LEGAL EDGE
701 Fifth Avenue, Suite 7000
Seattle, WA 98104
Phone: (206) 839-4848
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To contact our email administrator directly, send to
postmaster@graycary.com

Thank you.

BAKER & MCKENZIE

ATTORNEYS AT LAW

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PAMELA J. WONG
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FOR SETTLEMENT PURPOSES ONLY

March 14, 2003

VIA FACSIMILE

Thomas J. Hoffmann, Esq.
Gray Cary Ware & Freidenrich
999 Third Avenue, Suite 4000
Seattle, Washington 98104-4033

Re: Quest Diagnostics Incorporated v. MediQuest Therapeutics, Inc.
Our File: 67148350-1004

Dear Mr. Hoffmann:

Thank you for telephone call on March 12, 2003. We believe we are making progress and are confident that Quest Diagnostics Incorporated and Mediquest can reach a satisfactory resolution through this cooperative dialogue. We propose the following terms:

- Mediquest will agree not to use or register its Mediquest mark or any mark containing the term "QUEST" for providing diagnostics, diagnostics services, clinical testing services, medical testing services or laboratory services, diagnostic assays, or medical testing equipment or kits, testing services for the diagnosis, monitoring or treatment of disease, or providing information or computer services regarding diagnostic testing.
- Mediquest will agree never to use the term "QUEST" by itself and will always use the prefixes "Medi-" "Neuro-" or "Immuno-" before the word "QUEST".
- Mediquest will agree to amend its goods and services as follows:

MEDIQUEST (Appl. Ser. No. 78/114,943): Small molecule pharmaceuticals and chemicals for use in disease therapeutics;

IMMUNOQUEST (Appl. Ser. No. 78/114,947): Small molecule pharmaceuticals and chemicals for use in autoimmune disease therapeutics; and

NEUROQUEST (App. Ser. No. 78/114,952): Small molecule pharmaceuticals and chemicals for central nervous system therapeutics.

- Mediquest will agree never to depict the capitalized "Q" within its name or trademarks using the "Quest" name unless all other letters in the Mediquest name or mark are also capitalized. Mediquest will also agree not to otherwise stylize the capital "Q" in any fashion that would render it more conspicuous than the other letters in the Mediquest name or trademarks using the "quest" name.
- Mediquest will agree never to pursue legal action against Quest Diagnostics or any of its affiliates regarding Quest Diagnostics' or its affiliates' use or registration of the term "QUEST" as used in connection with clinical laboratory testing services or the services described above.
- Quest Diagnostics and its affiliates agree to never pursue legal action against Mediquest regarding Clinquest's use of the trademark MEDIQUEST, IMMUNOQUEST, OR NEUROQUEST as outlined within these settlement terms.

We look forward to your comments. As the deadlines to oppose are March 22 and 23, we would appreciate a 30 day extension while you consider our proposal. Thank you for all your courtesies.

Very truly yours,

BAKER & MCKENZIE



Pamela J. Wong

PJW/jmo

cc: Wayne B. Brown

TTAB

BAKER & MCKENZIE

ATTORNEYS AT LAW

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SOUTH AMERICA

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03-21-2003

U.S. Patent & TMO/fo/TM Mail Rcpt Dt. #11

March 21, 2003

VIA EXPRESS MAIL NO. EL858183785US

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Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, Virginia 22202-3513

03 MAR 28 11 30 AM '03

Re: Fourth Stipulated Request for an Extension of Time to File a Notice of Opposition
 Applicant : MediQuest Therapeutics, Inc.
 Application No. : 78/114,952
 Mark : NEUROQUEST
 Published : September 24, 2002 TM 388
 Our File : 67148350-1004

Dear Sir or Madam:

Enclosed herewith please find Quest Diagnostics Incorporated's Fourth Stipulated Request for an Extension of Time to File a Notice of Opposition in the above-identified matter. The notice is being filed in triplicate. The mark was published in the September 24, 2002 edition of the *Official Gazette*.

All correspondence in this case should be sent to:

Cheryl A. Withycombe, Esq.
 BAKER & MCKENZIE
 101 West Broadway, 12th Floor
 San Diego, California 92101
 (619) 236-1441

BAKER & MCKENZIE

Page 2 of 2

Commissioner for Trademarks

March 21, 2003

Please file-stamp and return the self-addressed postcard to this office for our records. Please charge any deficit or credit any excess to our Deposit Account No. 02-0410 (Baker & McKenzie). Thank you.

Respectfully submitted,

BAKER & MCKENZIE



Cheryl A. Withycombe*

Enclosures

*Licensed in Illinois, U.S.A. only, not licensed in California.