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



04-29-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

-----X
Miramax Film Corp.,

Opposer,

vs.

Spykiss, Inc.,

Applicant.
-----X

Serial No. 76/056,122
OPPOSITION NO. 125,014

Mark: SPYKISS

**CONSENT MOTION FOR EXTENSION OF TIME
TO RESPOND TO NOTICE OF OPPOSITION
AND TO RESET DISCOVERY AND TESTIMONY PERIODS**

TRADEMARK TRIAL AND APPEAL BOARD
02 MAY - 2 PM 9: 23

Applicant Spykiss, Inc., hereby requests an extension of time, to and including May 30, 2002, to answer or otherwise respond to the Notice of Opposition which was filed herein. The due date for Applicant's response is presently May 4, 2002.

The 26-day extension sought by this motion is Applicant's second. Applicant's first extension was for a period of sixty days. However, there is good cause for this second extension because, shortly after Applicant mailed the request for its first extension (on or about March 2, 2002), it received notice of a second opposition proceeding brought against it by Opposer Miramax Film Corp.

That second proceeding, Opposition No. 91150923, involves the same "Spykiss" mark which is at issue in this proceeding. For ease of calendaring and administration, Applicant wishes to coordinate the due dates and deadlines in the two proceedings.

The deadline for Applicant to respond to the Notice of Opposition in Opposition No. 91150923 is presently May 30, 2002. Thus, Applicant requests

that the deadline for its response in this proceeding be reset so that it is also due on May 30, 2002.

In addition, Applicant further requests that the discovery and testimony periods, which have already been set by the Board, also be extended so that they coincide with the discovery and testimony and discovery periods in Opposition No. 91150923. The present and proposed new dates are as follows:

	<u>Present Date</u>	<u>Proposed New Date</u>
Discovery period to close:	August 12, 2002	October 14, 2002
30-day testimony period of party in position of plaintiff to close	November 10, 2002	January 13, 2003
30-day testimony period of party in position of defendant to close	January 9, 2003	March 13, 2003
15-day rebuttal period to close	February 23, 2003	April 27, 2003

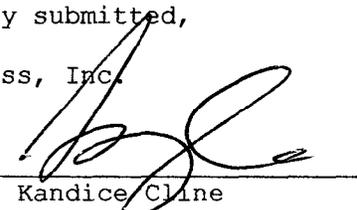
Applicant has contacted John Margiotta, counsel for Opposer, who has indicated that he is not opposed to the instant request for extension. Thus, the request should be granted. A copy of the instant motion is also being served upon Opposer through Mr. Margiotta.

For the foregoing reasons, the instant motion should be granted.

Dated: April 26, 2002

Respectfully submitted,

Spykiss, Inc.

By: 
Kandice Cline

Its: CEO

TRADEMARK
9509.53

Phone: 213.253.4779
Fax: 413.581.4350

EXPRESS MAIL mailing label no.

Date of Deposit:

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.110 on the date indicated above and is addressed to: BOX TTAB, NO FEE, Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

Kandice Cline

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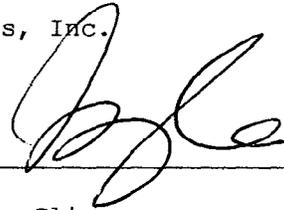
AUTHORIZATION TO REPRESENT

Applicant hereby appoints, its Chief Executive Officer, Kandice Cline, to represent it in connection with the within proceeding and to transact all business with the Patent and Trademark Office and/or the Board in connection with this proceeding. Applicant further requests that all pleadings, notices, correspondence and telephone calls in connection with this matter be directed to Ms. Cline at:

Spykiss, Inc.
400 S. Main Street, Suite 809
Los Angeles, California 90013
213.253.4779 (telephone)
413.581.4350

Respectfully submitted,

Spykiss, Inc.

By: 

Kandice Cline

Its: CEO

TRADEMARK
9509.53

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed to:

John Margiotta
FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 United Nations Plaza
New York, NY 10017

on this 26 day of April, 2002.