

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

ROCHE DIAGNOSTICS GMBH,)
and)
ROCHE DIAGNOSTICS CORPORATION,)
Opposers,)
v.)
MEDLINE INDUSTRIES, INC.,)
Applicant.)

Proceeding No. 150,863

**MOTION WITH CONSENT FOR EXTENSION
OF TIME TO ANSWER OR OTHERWISE PLEAD**

Medline Industries, Inc., with the consent of the opposers, Roche Diagnostics GMBH and Roche Diagnostics Corporation, hereby requests a thirty (30) day extension of time to answer or otherwise plead to the Notice of Opposition in the above matter, to **August 1, 2002**. The parties have reached a settlement agreement in principle, have memorialized the agreement in writing, and are in the process of finalizing and executing the settlement document. This extension is requested to allow the parties additional time to complete the settlement process.

Counsel for Roche Diagnostics GMBH and Roche Diagnostics Corporation, Andrea Gregory, consented to this extension on June 12, 2002.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By: 
Janet A. Marvel
Jennifer E. Berner
311 South Wacker Drive
Suite 5000
Chicago, IL 60606
(312) 554-8000

Attorneys For Applicant

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.110
"Express Mail" Mailing Label No: EL 930526673 US Date of Deposit: June 12, 2002

I hereby certify that the document to which this Certificate is affixed is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: BOX TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-4313, on the Date of Deposit shown above.



CERTIFICATE OF SERVICE

I, Jennifer E. Berner, attorney for Applicant, hereby certify that a copy of the foregoing MOTION WITH CONSENT FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD has been served upon Andrea Gregory, Bose McKinney & Evans LLP, 2700 First Indiana Plaza, 135 North Pennsylvania Street, Indianapolis, Indiana 46204 this 12th day of June, 2002 by first class mail, postage prepaid.

Handwritten signature of Jennifer E. Berner in cursive script, underlined.

TTAB

PATTISHALL, McAULIFFE, NEWBURY, HILLIARD & GERALDSON

ATTORNEYS AT LAW

SUITE 5000

311 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606

(312) 554-8000

FACSIMILE
(312) 554-8015

ALEXANDRIA, VIRGINIA OFFICE
SUITE 550

1700 DIAGONAL ROAD

ALEXANDRIA, VIRGINIA 22314

(703) 684-7550

FACSIMILE

ALEXANDRIA (703) 684-7888

JENNIFER E. BERNER
(312) 554-7977
jberner@pattishall.com



06-12-2002

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #40

June 12, 2002

VIA EXPRESS MAIL

Assistant Commissioner for Trademarks
BOX TTAB/NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: ACCUCARE
Serial No.: 76/210,082
Proceeding No.: 150,863
Our Reference No.: 00786-00013

Dear Sir:

Enclosed please find:

1. An original and two copies of a Motion With Consent For Extension Of Time To Answer Or Otherwise Plead; and
2. A stamped, self-addressed postcard, which we request be stamped with the date of receipt and returned to us.

Sincerely,

Jennifer E. Berner

JEB:lkr
Enclosure

02 JUN 25 AM 8:33
TRADEMARK TRIAL AND
APPEAL BOARD