



05-14-2002

THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent & TMO/TM Mail Rpt Dt. #22

In the Matter of Application

Serial No.:	76/138,471	)	MILLER CHEMICAL & FERTILIZER
		)	CORPORATION
Trademark:	EXIT	)	
		)	
Published:	December 11, 2001	)	Opposer,
	At Page TM 208	)	
		)	
Opposition No.	91150974	)	
		)	
		)	v.
		)	
		)	SURFMARK LLC

Applicant,

TO THE TRADEMARK TRIAL AND APPEAL BOARD

**REQUEST FOR SECOND EXTENSION OF TIME TO FILE ANSWER TO THE NOTICE OF OPPOSITION**

SURFMARK LLC ("Applicant"), hereby requests, a second 30-day extension of time in which to file its responsive answer to the Notice of Opposition filed herein on or about January 22, 2002, a copy of which was mailed by the TTAB on or about March 5, 2002. In support of its request, Applicant states:

1. That Applicant filed an initial Request For An Extension Of Time To File Answer To The Notice Of Opposition on or about April 12, 2002. The Applicant's motion was granted in a summary notice mailed on or about April 23, 2002, in which the TTAB set an answer date of May 15, 2002;

2. That Applicant's attorney and Opposer's attorney are communicating on behalf of the respective parties, and, based on those communications, Applicant requires an additional 30 days in which to determine whether to file its Answer herein;

3. That Opposer's attorney does not object to a second 30-day extension of the answer date herein; and

4. That Applicant does not believe the discovery and testimony periods set forth in the Notice of Opposition will be affected by a 30-day extension, and Applicant does not presently request an amendment to the discovery and testimony schedule as previously set forth.

For the foregoing reasons, Applicant requests a second extension of time in which to file its responsive answer to the Notice of Opposition, and Applicant requests that such answer date be set for a date certain of June 15, 2002.

Dated: May 9, 2002

Respectfully submitted,  
SURFMARK LLC

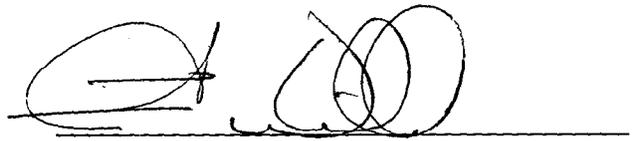
By: 

Eden T. Whitten – Neb. Bar # 20812  
Kutak Rock LLP  
1650 Farnam Street  
Omaha, NE 68102  
(402) 346-6000  
Attorneys for Applicant

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Second Extension of Time to File Answer to the Notice of Opposition was placed in regular United States mail, first-class postage prepaid, on the 9<sup>th</sup> day of May, 2002, addressed to the following:

Stanley B. Kita  
HOWSON AND HOWSON  
Spring House Corporate Center  
321 Norristown Road  
P.O. Box 457  
Spring House, PA 19477  
Attorney for Opposer

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a horizontal line, positioned above a solid horizontal line.

TTAB



05-14-2002

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**KUTAK ROCK LLP**

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SCOTTSDALE  
WASHINGTON

EDEN T. WHITTEN  
eden.whitten@kutakrock.com

May 9, 2002

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202

Re: Miller Chemical & Fertilizer Corporation v Surfmark LLC

Ladies and Gentlemen:

Enclosed is a Request for Second Extension of Time to File Answer to the Notice of Opposition for the above-referenced matter.

Please contact me with any questions.

Sincerely,

Eden T. Whitten

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Enclosure

cc: Stanley B. Kita, Esq. (with enclosure)

TRADEMARK TRIAL AND APPEAL BOARD  
02 MAY 22 AM 8:23

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