



**EXPRESS MAIL LABEL NO.: ET346769186US**

On April 26, 2002, Applicant filed and served its Answer and Motion for Summary Judgment. Pursuant to Trademark Rule 2.127(d), 37 C.F.R. § 21.27(d), the Board will suspend proceedings pending the disposition of a motion for summary judgment or any motion which is potentially dispositive of a proceeding. However, the Board has not yet suspended proceedings and discovery is set to close on October 5, 2002. Opposer requires discovery so that he may affirmatively plead his case, pursue this opposition and have a trial on the merits. Accordingly, on October 2 and 4, 2002, Opposer's counsel proposed that the parties extend the discovery, testimony and trial dates in this matter. (Copies of Opposer's counsel's emails of October 2 and 4, 2002 are attached hereto as Exhibit A). On October 4, 2002, Applicant refused to consent to any extension of discovery, testimony or trial periods. (A copy of Applicant's counsel's October 4, 2002 email is attached hereto as Exhibit B).

Opposer intends to pursue discovery and requires additional time to take discovery in this matter. In view of the pending motion, however, Opposer refrained from serving any document requests, interrogatories or notices of deposition believing the more prudent approach would be to await the Board's decision, as it may narrow certain issues in this case. This motion is made in good faith and without any intention of causing a delay but rather, to allow further time to complete discovery and ready for trial following the disposition of the motion pending before the Board.

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**WHEREFORE**, for the reasons stated and the good cause shown herein, Opposer, by its counsel, respectfully requests that the discovery, testimony and trial dates be extended for a period of ninety (90) days each in accordance with the above schedule.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: October 7, 2002

By: \_\_\_\_\_

  
Paul J. Reilly  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2500  
Attorney for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee Service" in an envelope with sufficient postage addressed to:  
BOX TTAB NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive, Arlington, Virginia 22202-3513

Paul J. Reilly  
Attorney Name

October 7, 2002  
Date of Deposit

  
Signature

October 7, 2002  
Date of Signature

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing, **OPPOSER'S MOTION TO EXTEND TERMS FOR DISCOVERY AND TESTIMONY**, was served on Applicant's attorneys of record via the United States Postal Service as First Class Mail, in an envelope with sufficient postage, addressed to following:

Robert T. Daunt, Esq.  
DAVIS & SCHROEDER  
215 W. Franklin Street, 4th Floor  
Post Office Box 3080  
Monterey, California 93942

on October 7, 2002.

By:   
Paul J. Reilly

**Reilly, Paul J.**

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**From:** Reilly, Paul J.  
**Sent:** Wednesday, October 02, 2002 5:03 PM  
**To:** 'rtd@iplawyers.com'  
**Subject:** Mark D. Tannen v. Jay Mack (Opposition No. 91 151,109)

Dear Mr. Daunt:

As you know, discovery in the above referenced matter closes on October 5, 2002 in connection with the subject matter. Typically, the Board suspends proceedings following the filing of a dispositive motion or a motion to compel. However, the Board has not issued an order yet. To preserve discovery and the testimony periods, I propose that we agree to extend the discovery, testimony and trial periods by a period of 90 days. Please let me know by October 4, 2002, if you will consent to such a motion.

Regards,

Paul

Paul J. Reilly  
Baker Botts LLP  
30 Rockefeller Plaza, 44th Fl.  
New York, New York 10112  
212.408.2634  
Fax: 212.259.2434

**Reilly, Paul J.**

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**From:** Reilly, Paul J.  
**Sent:** Friday, October 04, 2002 3:31 PM  
**To:** 'rtd@netlawyers.com'  
**Subject:** FW: Mark D. Tannen v. Jay Mack (Opposition No. 91 151,109)

Dear Mr. Daunt:

As you know, discovery in the above referenced matter closes on October 5, 2002 in connection with the subject matter. Typically, the Board suspends proceedings following the filing of a dispositive motion or a motion to compel. However, the Board has not issued an order yet. To preserve discovery and the testimony periods, I propose that we agree to extend the discovery, testimony and trial periods by a period of 90 days. Please let me know by return email, if you will consent to such a motion.

Regards,

Paul

Paul J. Reilly  
Baker Botts LLP  
30 Rockefeller Plaza, 44th Fl.  
New York, New York 10112  
212.408.2634  
Fax: 212.259.2434

L11771

**Reilly, Paul J.**

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**From:** Mark Good [Mark@cybercounsel.com]  
**Sent:** Friday, October 04, 2002 9:36 PM  
**To:** Paul.Reilly@bakerbotts.com  
**Cc:** Robert T. Daunt  
**Subject:** Mark D. Tannen v. Jay Mack (Opposition No. 91 151,109)

Dear Mr. Reilly:

We are in receipt of your email of Wednesday, October 02, 2002 at 2:03 PM. Our client has advised us that he will not consent to any extensions of discovery, testimony or trial periods.

Regards,

Mark W. Good, Esq.  
Davis & Schroeder, p.c.  
Voice - 831-649-1122  
Fax - 831-649-0566  
Email - mark@netlawyers.com

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

**From:** Paul.Reilly@bakerbotts.com [mailto:Paul.Reilly@bakerbotts.com]  
**Sent:** Friday, October 04, 2002 12:31 PM  
**To:** Robert T. Daunt  
**Subject:** FW: Mark D. Tannen v. Jay Mack (Opposition No. 91 151,109)

> Dear Mr. Daunt:

>  
> As you know, discovery in the above referenced matter closes on  
> October 5, 2002 in connection with the subject matter. Typically, the

> Board suspends proceedings following the filing of a dispositive  
> motion or a motion to compel. However, the Board has not issued an  
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> a period of 90 days. Please let me know by return email, if you will  
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>

> Regards,

>

> Paul

>

> Paul J. Reilly

> Baker Botts LLP

> 30 Rockefeller Plaza, 44th Fl.

> New York, New York 10112

> 212.408.2634

> Fax: 212.259.2434



\* N E W D O C \*

Opposition  
108558 / TAB

Attorney Ref. No. 21307-32

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Mars, Incorporated : REQUEST ON CONSENT FOR  
Serial No. 75/211,158 : EXTENSION OF TIME FOR FILING  
Filed December 10, 1996 : OPPOSITION AND STATEMENT OF  
For Trademark : EXTRAORDINARY CIRCUMSTANCES  
M (Stylized) :



09-23-2002  
U.S. Patent & TMO/TM Mail RptDt. #22

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

Sir:

Pursuant to the provisions of Section 2.102(c) of the Trademark Rules of Practice and Section 13 of the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended), Minnesota Twins Partnership, organized and existing under the laws of Minnesota, located at 34 Kirby Puckett Place, Minneapolis, Minnesota 55415, upon consent of the Applicant, respectfully requests that the time for filing an opposition to the above application be extended further for a period of sixty (60) days up to and including **November 21, 2002.**

TRADEMARK TRIAL AND  
APPEALS BOARD  
02 OCT 23 PM 3:30

"Express Mail" Mailing Label Number E2852059878 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202 on September 23, 2002

(Date of Deposit) September 23, 2002 KORNELIA BUTOF  
(Typed or printed name of person mailing paper or fee)  
*Kornelia Butof*  
(Signature)

Extraordinary circumstances exist for the request for additional time to oppose.

Applicant's counsel consented to this extension. Since the last request, applicant's in-house counsel has forwarded the revised draft of a proposed settlement agreement to applicant's outside counsel. The settlement agreement is currently under active review and consideration by applicant. Additionally, as part of the settlement discussions, potential opposer is compiling extensive exhibits to the settlement agreement which are intended to illustrate the different types of trademark uses which will be covered by the agreement. The additional time is requested to allow potential opposer to forward the exhibits to applicant, to allow applicant to comment on the revised draft settlement agreement and exhibits, and to allow the parties to try to resolve the remaining points to be covered by the agreement, which would cover this and 28 other applications.

The mark was published in the Official Gazette of May 20, 1997.

Dated: September 23, 2002

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Potential Opposer

By Antonio Borrelli  
Mary L. Kevlin  
Antonio Borrelli  
1133 Avenue of the Americas  
New York, New York 10036-6799  
(212) 790-9216

Attorney Ref. No. 21307-32

Serial No. 75/211,158

**Certificate of Service**

The undersigned hereby certifies that the foregoing Request On Consent was served on Applicant by mailing a copy, first class, postage prepared to Applicant's attorney Leslie Mitchell, Esq., Fitzpatrick Cella Harper & Scinto, 30 Rockefeller Plaza, New York, NY 10112 on September 23, 2002.

  
\_\_\_\_\_  
Antonio Borrelli