

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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DaimlerChrysler AG,	:	
	:	07-18-2003
	:	U.S. Patent & TMO/TM Mail Rpt Dt. #22
Opposer,	:	
	:	Opposition No. 91151713
v.	:	
CASUAL DINING, INC.,	:	
	:	
Applicant.	:	

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MOTION ON CONSENT TO EXTEND DISCOVERY DUE DATES AND DISCOVERY AND TESTIMONY PERIODS

Opposer hereby moves, with the consent of Applicant, and subject to the approval of the Trademark Trial and Appeal Board, for an Order extending as follows, the times set forth below:

(1) Opposer's time to respond or object to Applicant's First Sets of Interrogatories and Requests for Production of Documents shall be extended to October 19, 2003.

(2) Opposer's time to respond or object to Applicant's First Requests for Admissions shall be extended to October 19, 2003.

(3) Applicant's time to respond or object to Opposer's First Sets of Interrogatories and Requests for Production of Documents shall be extended to November 2, 2003.

(4) The closing dates of the discovery and testimony periods shall be extended to the following dates:

The period for discovery to close: January 31, 2004

Testimony period for party in
position of plaintiff to close

(opening thirty days prior thereto): May 1, 2004

Testimony period for party in
position of defendant to close

(opening thirty days prior thereto): June 30, 2004

Rebuttal testimony period to close

(opening fifteen days prior thereto): July 15, 2004

This extension is requested for two reasons. First, the parties are in the process of compiling the information and documents requested by the comprehensive interrogatories, requests

for production of documents, and other discovery requests served upon them in this opposition and opposition No. 91151711. Opposer's counsel is dealing with several sources of information in the United States and abroad, for a period covering many years.

Second, counsel for the parties are exploring the possibility of settling this opposition and opposition No. 91151711.

This motion is not being made for the purposes of delay, but to permit the parties to explore the possibility of settlement, and if a settlement is not concluded, to respond to the discovery without burdening the Board with motions to compel responses and/or document production.

This motion has been consented to by Applicant's attorney, N. Elton Dry, Esq., Dry & Tassin, L.L.P.

VON MALTITZ, DERENBERG, KUNIN,
JANSSEN & GIORDANO

July 16, 2003

By



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Attorneys for Opposer

CERTIFICATE OF SERVICE

A copy of the foregoing Motion On Consent is being forwarded by First Class Mail this 16th day of July, 2003 to Applicant's attorney, N. Elton Dry, Esq., Dry & Tassin, L.L.P., 3200 Southwest Fwy, Suite 2355, Houston, Texas 77027.


for von Maltitz, Derenberg,
Kunin, Janssen & Giordano

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v. : Opposition No. 91151713

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, BOX TTAB/NO FEE on the date shown below:

Joan Forster
 Typed Name

Joan Forster
 Signature

July 16, 2003
 Date