

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



UNCLE BEN'S, INC.,

Opposer,

v.

ZANE HULLIHEN,

Applicant.
-----X

Opposition No.: 91152433

Serial No.: 76/117,922



02-01-2005

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #11

MOTION ON CONSENT FOR EXTENSION OF TRIAL DATES

Opposer, Uncle Ben's, Inc. (now Mars, Incorporated per December 28, 2002 merger with Mars, Incorporated), requests, on behalf of the parties, an additional thirty (30) day extension of the trial dates in this proceeding. The reason for this request is that the parties have agreed to settle the matter and are in the process of finalizing and executing an agreement. This extension is not sought for purposes of delay.

Accordingly, subject to the Board's approval, the new dates would be as follows:

| | |
|---|---------------|
| Testimony period for party in position of Plaintiff to close: | March 6, 2005 |
| Testimony period for party in position of Defendant to close: | May 5, 2005 |
| Rebuttal Testimony period to close: | June 19, 2005 |

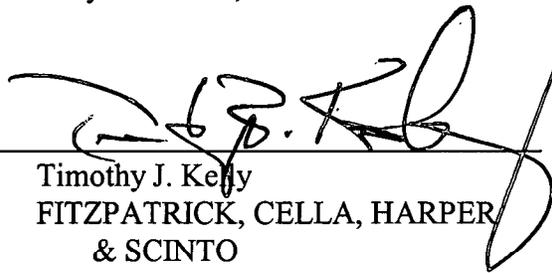
On January 27, 2005, Applicant Zane Hullihen, consented and agreed to the above-requested extensions of time.

This motion is submitted in triplicate, and a copy of the Certificate of Service is enclosed.

Respectfully submitted,

Dated: January 31, 2005

By

A handwritten signature in black ink, appearing to read 'T. Kelly', is written over a horizontal line. The signature is stylized and includes a long, sweeping flourish that extends upwards and to the right.

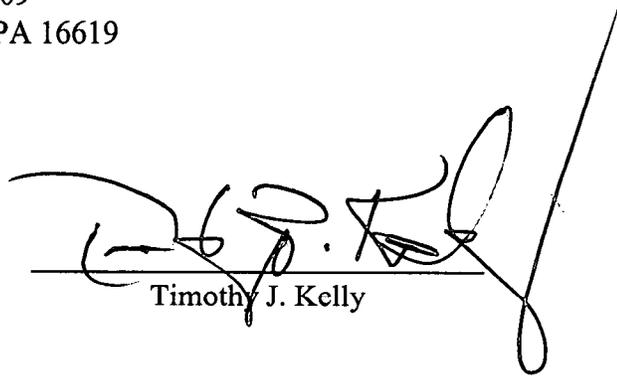
Timothy J. Kelly
FITZPATRICK, CELLA, HARPER
& SCINTO
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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and complete copy of the foregoing MOTION ON CONSENT FOR EXTENSION OF TRIAL DATES was mailed by first class mail, postage prepaid, on this 31st day of January 2005 to Applicant as follows:

Zane Hullihen
Uncle Fred's Sausage, Inc.
1352 Skyline Drive
P.O. Box 1509
Blandburg, PA 16619



Timothy J. Kelly