

HAB

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



07-31-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #58

-----X  
UNCLE BEN'S, INC.,  
:  
:  
Opposer,  
:  
:  
v.  
:  
:  
ZANE HULLIHEN,  
:  
:  
Applicant.  
-----X

Opposition No.: 91152433

Serial No.: 76/117922

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 200 Crystal Drive, Arlington, Virginia 22202-3513 on 7/28/03 (Date of Deposit)

TIMOTHY J. KELLY  
Attorney for Applicant  
  
Signature Date of Signature 7/28/03

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 reached an agreement in principle to settle this matter and need some additional time to finalize and execute any agreements to that effect. 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:	August 25, 2003
Testimony period for party in position of Defendant to close:	October 24, 2003
Rebuttal Testimony period to close:	December 8, 2003

On July 28, 2003, Applicant Zane Hullihen consented and agreed to the above-requested extensions of time.

08/15/2003TAB

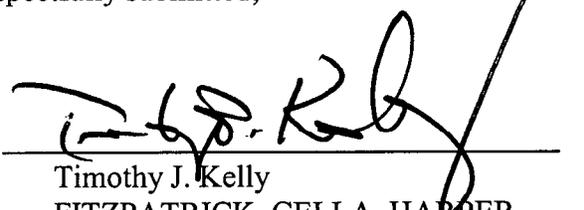
08/15/2003 TAB

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

Respectfully submitted,

Dated: July 28, 2003

By



Timothy J. Kelly  
FITZPATRICK, CELLA, HARPER  
& SCINTO

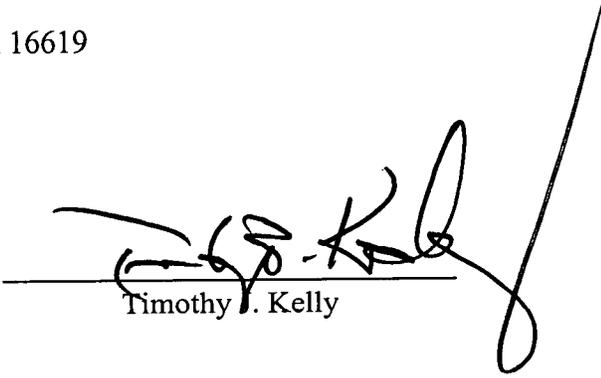
30 Rockefeller Plaza  
New York, New York 10112  
(212) 218-2100

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 28<sup>th</sup> day of July 2003 to Applicant as follows:

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

  
\_\_\_\_\_  
Timothy J. Kelly

08/15/2003TTAB