



TTAB

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

The Procter & Gamble Company )  
 )  
Opposer, )  
 )  
v. )  
 )  
EDL Licensing Corp. )  
 )  
Applicant. )

Atty. Ref.: 375-21

Opposition No. 91152722



10-15-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #70

**MOTION FOR EXTENSION OF TIME TO ANSWER  
NOTICE OF OPPOSITION, OR IN THE ALTERNATIVE,  
TO VACATE THE SEPTEMBER 4<sup>TH</sup> ORDER**

Applicant, EDL Licensing Corp., respectfully moves the Board to extend the time for it to answer or otherwise plead in response to the Notice of Opposition in the above-captioned proceeding for until not less than 30 days from the mailing date of the revised Notice of Opposition. Alternatively, EDL asks that the September 4, 2002 Order should be vacated because a complete Notice of Opposition was not filed.

On September 4, 2002, the TTAB mailed a copy of a Notice of Opposition by The Procter & Gamble Company against Applicant's trademark application Serial No. 76/039,365. Thereafter, counsel for Applicant attempted on several occasions to contact Tammy Logan, TTAB Legal Assistant to advise that the Notice of Opposition filed by The Procter & Gamble Company (PG) was incomplete. Specifically, the Notice of Opposition mailed to Applicant's counsel included the first three (3) pages of the Notice of Opposition and one transmittal letter.

For example, on September 23, 2002, Applicant's counsel reached Ms. Logan and advised her that all of the pages of the Notice of Opposition had not been mailed. Ms. Logan subsequently re-faxed the very same Notice Of Opposition. Once again, the

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facsimile transmission only included the first three (3) pages of the Notice of Opposition and one transmittal letter.

As a result, Applicant's counsel again telephoned Ms. Logan and advised her that it appears that the Notice of Opposition had not been filed in its entirety by PG. Ms. Logan then re-checked her file copy and advised that the TTAB also had only received the first three (3) pages of the Notice of Opposition and the transmittal letter.

Applicant's counsel proceeded to advise Ms. Logan of the deadline to file an Answer to the Notice of Opposition by the Applicant and further advised that it would be impossible to submit the Answer to the Notice of Opposition when Applicant had not, in effect, received the Notice of Opposition. Ms. Logan told counsel to contact Frances Wolfson, the TTAB Attorney that was assigned to this Opposition.

Applicant's counsel did, in fact, speak with Ms. Wolfson and advised her of the missing pages in the Notice of Opposition. Ms. Wolfson concurred that the TTAB had not received the entire Notice of Opposition from PG.

Moreover, Ms. Wolfson indicated that she would vacate the Order mailed on September 4, 2002 and advise PG of its submission of an incomplete Notice of Opposition. Ms. Wolfson further stated that, in the event Applicant's counsel did not receive the TTAB notice vacating the September 4<sup>th</sup> Order, Applicant's counsel should file an extension request for responding to the Notice of Opposition.

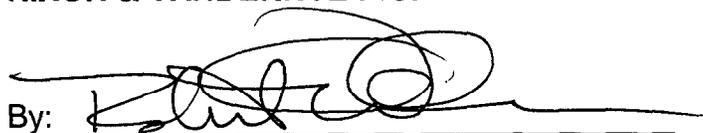
In view of the foregoing, Applicant submits that the requested extension is warranted and the present motion should be granted.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

Dated: October 14, 2002

By:



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the forgoing MOTION FOR EXTENSION OF TIME TO ANSWER NOTICE OF OPPOSITION, OR IN THE ALTERNATIVE, TO VACATE THE SEPTEMBER 4<sup>TH</sup> ORDER was mailed, first class postage prepaid, to attorney of record for Opposer, Tracy M. Tramonte, The Procter & Gamble Company, Legal Department, 1 Procter & Gamble Plaza, Cincinnati, Ohio 45202-3315, this 14th day of October, 2002.

