

TAB

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

GUSTAFSON, LLC,)
)
Opposer,)
)
v.)
)
BAYER CORPORATION,)
)
Applicant.)

Opposition No. 153,438



02-26-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #76

MOTION WITH CONSENT FOR EXTENSION OF TESTIMONY PERIODS

Applicant moves to extend all subsequent testimony periods by sixty (60) days as follows:

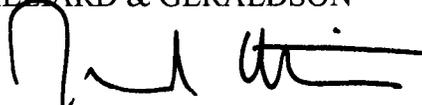
- Testimony period for Opposer to Close
(Opening thirty (30) days prior thereto): May 26, 2004
- Testimony period for Applicant to Close
(Opening (30) days prior thereto): July 23, 2004
- Rebuttal Testimony Period to Close
(Opening fifteen (15) days prior thereto): September 10, 2004

Discovery remains closed. The parties are discussing settlement and respectfully submit that this constitutes good cause for the requested extension. Opposer's attorney, Anthony J. Barbieri, consented to this extension in a telephone conversation on February 21, 2004.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By: _____


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Certificate of Mailing
I, Michelle Rivers, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on February 23, 2004



CERTIFICATE OF SERVICE

I, Thad Chaloeintiarana, hereby certify that a copy of the foregoing **MOTION WITH CONSENT FOR EXTENSION OF TESTIMONY PERIODS** was served upon Anthony J. Barbieri, Kessler & Collins, PC, 5950 Sherry Land, Suite 22, Dallas, TX 75225, via first class mail, postage prepaid, on this 23rd day of February, 2004.

