

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

Lipton Investments, Inc. and)	
CONOPCO, Inc. dba Slim-Fast)	Opposition No. 91154020
Foods Company)	
)	Mark: THIN FAST MINTS
Opposer,)	
)	Serial No.: 76/253,981
v.)	
)	Filing Date: May 8, 2001
LifeMax, LLC)	
)	Published: September 24, 2002
_____Applicant.)	



02-02-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

MOTION ON CONSENT TO RESUME PROCEEDINGS
AND RESET DISCOVERY AND TRIAL DATES

Opposers, by their counsel, with the consent of Applicant Lifemax LLC, hereby move that this opposition proceeding, Opposition No. 91154020--which was suspended by order of the Board on August 21, 2003--be hereby resumed at the request of both parties. The Board suspended the opposition proceeding pending negotiations between the parties regarding a possible settlement of this dispute. Both Opposers and Applicant now seek resumption of this proceeding.

Opposers and Applicant also request that, upon the continuation of this proceeding, the discovery and trial dates be set to coincide with the schedules of Opposition Proceeding Nos. 91152775 and 91156355, which are between the same parties, such that all these proceedings may proceed on the same schedule. The parties hereby request that the discovery and trial dates in this proceeding be rescheduled as set forth below:

The period for discovery to close:	April 30, 2004
Testimony period for party in position of plaintiff to close:	July 30, 2004
Testimony period for party in position of defendant to close:	September 29, 2004
Rebuttal testimony period to close:	October 19, 2004

John Skeriotis, counsel for the Applicant, consented to this request in a telephone conversation on February 2, 2004. This motion on consent is filed in triplicate.

Dated: New York, New York
February 2, 2004

CERTIFICATE OF EXPRESS MAIL

DUANE MORRIS LLP

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By: Vanessa Hew
Gregory P. Gulia
Vanessa Hew

Date of Deposit: Feb. 2, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

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Stephanie L. Jacobs
(Printed name of person mailing paper or fee)

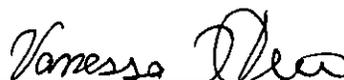
Attorneys for Potential Opposers

Stephanie L. Jacobs
(Signature)

Feb. 2, 2004
(Date of Signature)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused a copy of the foregoing MOTION ON CONSENT TO RESUME PROCEEDINGS AND RESET DISCOVERY AND TRIAL DATES to be served on John Skeriotis, Esq., Brouse McDowell, 500 First National Tower, Akron, Ohio 44308-1147, by fax and first-class mail, postage prepaid, this 2nd day of February, 2004.



Vanessa C. Hew

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