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Filing date: **04/08/2004**

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

<b>Proceeding</b>	91154392
<b>Party</b>	Plaintiff VIRGIN ENTERPRISES LIMITED
<b>Correspondence Address</b>	HAYLEY WERNER FRIED FRANK HARRIS SHRIVER & JACOBSON ONE NEW YORK PLAZA NEW YORK, NY 10004
<b>Submission</b>	Motion to Extend
<b>Filer's Name</b>	Hayley W. Werner
<b>Filer's e-mail</b>	hayley.werner@friedfrank.com
<b>Signature</b>	/hw/
<b>Date</b>	04/08/2004
<b>Attachments</b>	motionforextension.pdf ( 3 pages ) exhibit1.pdf ( 3 pages )

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

VIRGIN ENTERPRISES LIMITED,

Opposer,

v.

KAY GUITAR COMPANY,

Applicant.

Opposition No. 91154392

**MOTION FOR EXTENSION OF TIME  
TO FILE TRIAL BRIEF FOR OPPOSER**

Opposer, Virgin Enterprises Limited (“VEL”), by its attorneys, respectfully moves pursuant to Trademark Rule 2.116(a), 37 C.F.R. § 2.116(a), and Rule 6(b) of the Federal Rules of Civil Procedure, for an Order extending the time in which Opposer must file its Trial Brief by thirty (30) days to and including May 12, 2004.

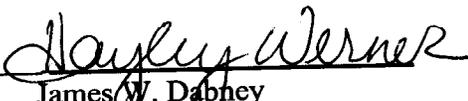
This request is not made for the purpose of delay and Applicant will not be prejudiced by the short extension requested. An extension is needed because, despite diligent efforts, Opposer has been unable to obtain certified copies of two of Opposer’s trial testimony transcripts in this case. Opposer has taken five testimonial depositions and has filed certified copies of three of these depositions with the Board. Opposer expects shortly to obtain verified signatures on the remaining two trial testimony transcripts, namely, those of Andrea Moreno, Senior Field Marketing Manager for Virgin Entertainment Group, and Lori Levin-Hyams, Vice President of Corporate Affairs for the Virgin Group of companies in the USA. These two transcripts are important to the Board’s determination of merits of this case.

Applicant did not attend any of Opposer's trial depositions; Applicant has filed no Notice of Reliance; Applicant has taken no trial testimony; and Applicant has not participated actively in this case for many months. The transcripts of Opposer's trial testimony were served upon Applicant on November 26, 2003, proof of which is attached hereto as Exhibit 1. Applicant has raised no objections to the transcripts. Under the circumstances, a grant of Opposer's motion cannot be considered prejudicial to Applicant.

Opposer thus respectfully requests that the Board grant this Motion extending the time in which to file its Trial Brief a period of thirty (30) days.

Respectfully submitted,

FRIED FRANK HARRIS SHRIVER &  
JACOBSON LLP

By:   
James W. Dabney  
Hayley W. Werner

One New York Plaza  
New York, NY 10004-1980  
(212) 859-8000

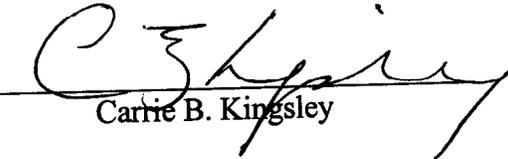
Attorneys for Opposer  
Virgin Enterprises Limited

Dated: April 8, 2004

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing OPPOSER'S MOTION FOR AN EXTENSION OF TIME TO FILE THE TRIAL BRIEF FOR OPPOSER has been served this 8th day of April, 2004 by First Class Mail, postage prepaid, upon Applicant's counsel at the address designated for that purpose:

Susan L. Ruzbasan, Esq.  
Corporate Counsel  
Asian-American Manufacturing Company and Kay Guitar Company  
1 Twin Lakes Circle  
Corona Del Mar, CA 92625

  
Carrie B. Kingsley

November 26, 2003

BY FEDEX  
008343-0282-999

Susan L. Ruzbasan, Esq.  
Corporate Counsel  
Asian-American Manufacturing Company  
and Kay Guitar Company  
1 Twin Lakes Circle  
Corona Del Mar, CA 92625

WRITER'S DIRECT DIAL:  
212-790-6383  
INTERNET  
SNAGORNY:@PENNIE.COM

Re: Virgin Enterprises Limited v. Kay Guitar Company  
Opposition No. 91154392 to VIRGIN GUITARS

Dear Ms. Ruzbasan:

Please find enclosed and served upon you, the testimony transcripts and exhibits of Howard Handler, Mark James, Christopher Rossi, Andrea Moreno, and Lori Levin-Hyams.

Sincerely,



Susanna Nagorny  
Paralegal

Enclosures

cc: Jacqueline Lesser, Esq  
Joyce Ferraro, Esq.

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

VIRGIN ENTERPRISES LIMITED,

Opposer,

v.

KAY GUITAR COMPANY,

Applicant.

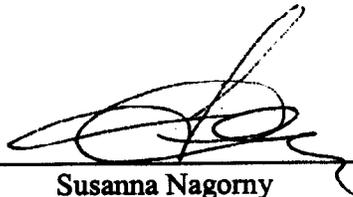
**CERTIFICATE OF SERVICE**

Opposition No. 91154392

I HEREBY CERTIFY that on this 26th day of November, 2003, I caused a true copy of the foregoing **TESTIMONY TRANSCRIPTS and EXHIBITS** of to be served by FEDEX upon:

Susan L. Ruzbasan, Esq.  
Corporate Counsel  
Asian-American Manufacturing Company  
and Kay Guitar Company  
1 Twin Lakes Circle  
Corona Del Mar, CA 92625

Dated: November 26, 2003



Susanna Nagorny

# PENNIE & EDMONDS LLP ROUTING SLIP

**DATE:** 11/26/03 **FROM:** SUSANNA NAGORNY  
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