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

In the Matter of Application Serial No. 76/404,828

Published in the Official Gazette February 11, 2003

NEXX ONLINE, INC.,)	
)	
Opposer,)	
)	Opposition No. 91155532
v.)	Mark: NEXX & Design
)	Class 41
NEXX LLC,)	
)	
Applicant.)	
Applicant.)	



12-04-2003

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

AGREED MOTION TO EXTEND DISCOVERY DATES

NOW COMES, Opposer, Nexx Online, Inc. (hereinafter "NEXX ONLINE") and presents this agreed Motion to extend discovery dates and testimony dates for the above-captioned Opposition.

The Opposer and Applicant are actually involved in four Oppositions all involving the mark NEXX. These include Oppositions against Serial Nos. 76/404,826; 76/404,827; and 76/404,829 docketed under Opposition Nos. 91155026, 91155050 and 91155580 respectively. Opposer may request that these Oppositions be consolidated at some point in the future. Meanwhile the parties are requesting an extension of the discovery and testimony dates in the above-captioned matter to allow settlement discussions to proceed.

The parties have been involved in serious discussions regarding the resolution and settlement of this matter and have exchanged settlement offers. It is possible that all four of the Oppositions mentioned above may be the subject of settlement.

Additionally, there have been changes of firm and address for Opposer's Canadian counsel with whom the undersigned has been in contact. This has resulted in further delay not attributable to the parties.

It is believed that there will be no prejudice to either party or this Board in extending all dates by sixty (60) days (or to reopening and extending said dates). Counsel for Applicant agrees to this extension (see Exhibit A).

The Opposer respectfully ask that this Board extend discovery and testimony dates accordingly.

Respectfully submitted,

HOLLAND & KNIGHT LLC

Dated: December 1, 2003



Attorneys for Opposer, Nexx Online, Inc.

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CERTIFICATE OF FILING

*original & 2 copies
SP*

I hereby certify that the above **Agreed Motion to Extend Discovery Dates** is being deposited on December 1, 2003, with the United States Patent and Trademark Office in an envelope addressed to:

BOX TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514



One of the Attorneys for Opposer

CERTIFICATE OF SERVICE

orig and 2 copie

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on December 1, 2003, in an envelope addressed to:

Robert Ryan Morishita
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One of the Attorneys for Opposer

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November 18, 2003

VIA FACSIMILE (312) 578-6666
AND U.S. MAIL

Mr. Scott W. Petersen
Holland & Knight, LLC
131 South Dearborn St., 30th Floor
Chicago, IL 60603

Re: Nexx Online, Inc. v. NEXX LLC
Our Files: NEXX03-01, NEXX03-02, NEXX03-03, NEXX03-04

Dear Mr. Peterson:

As a follow-up to your telephone message of November 17, and my responsive telephone message of November 18, we are authorized to join you in requesting an extension of the testimony period for up to an additional sixty (60) days in each of the four pending trademark opposition proceedings. Please let me know if you have any questions or require anything further.

Sincerely,



Robert Ryan Morishita

RRM:kdc
Enclosures
cc: Nick Perino, Esq.
G:\NBXX03-01 ext testimony letter.wpd

