

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

In the Matter of Application Serial No. 78/030,875

Filed on October 16, 2000

For the mark GUADALAJARA HACIENDA

Published in the *Official Gazette* on December 10, 2002 at Page TM 727

HMR Acquisition, Inc.)	
d/b/a Hacienda Mexican Restaurants,)	
)	
Opposer)	
)	
v.)	Opposition No.: 91,155,801
)	
Casual Dining, Inc.,)	
)	
Applicant)	

SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY

HMR Acquisition, Inc., Opposer, by counsel, moves for an extension of time of thirty (30) days, to and including September 27, 2003, to respond and/or object to the interrogatories, requests for production of documents and requests for admission served upon Opposer by the Applicant. In support of this motion, Opposer states the following:

1. On June 24, 2003, Applicant served interrogatories and requests for production of documents on Opposer. Service was by first class mail and addressed to the undersigned counsel.
2. On June 25, 2003, Applicant served requests for admission on Opposer. Service was by first class mail and addressed to the undersigned counsel.
3. On July 25, 2003, Opposer filed a consented motion for an extension of thirty (30) days to and including August 28, 2003, for Opposer to respond and/or object to Applicant's interrogatories, requests for production of documents and requests for admission.

4. On August 21, 2003, the Trademark Trial and Appeal Board granted the consented motion and extended Opposer's deadline for responding and/or objecting to Applicant's interrogatories, requests for production of documents and requests for admission to and including August 28, 2003. These deadlines have not passed.

5. Undersigned counsel certifies that he has conferred with opposing counsel and opposing counsel has approved and has not objected to these extensions of time.

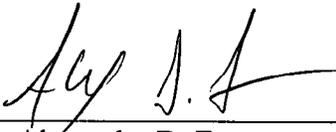
6. The parties are in the process of finalizing a settlement of this proceeding that will obviate the need for preparing any of the responses.

7. Opposer's new deadline to respond and/or object to Applicant's interrogatories, requests for production of documents and requests for admission will be September 27, 2003.

WHEREFORE, Opposer respectfully requests that the Board grant an extension of time of thirty (30) days, to and including September 27, 2003, for Opposer to respond and/or object to Applicant's interrogatories, requests for production of documents and requests for admission.

Respectfully submitted,

HMR ACQUISITION COMPANY, INC.
d/b/a Hacienda Mexican Restaurants

By: 

Alexander D. Forman

ICE MILLER

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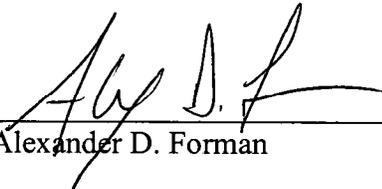
(317) 592-5433 – Facsimile

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been deposited in the U.S. mail, first class postage prepaid, on this 21st day of August, 2003, addressed to:

N. Elton Dry
DRY & TASSIN, LLP
3200 Southwest Freeway, Suite 2355
Houston, Texas 77027



Alexander D. Forman

Assistant Commissioner
for Trademarks
August 27, 2003
Page 2

The undersigned hereby certifies that he has served a copy of said document on opposing counsel by copy of this letter this 27th day of August, 2003.

Respectfully submitted,

ICE MILLER



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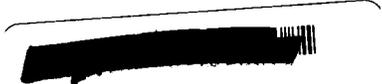
ADF/pdr

Enclosures: Second Motion for Extension of Time to Respond to Discovery
Return Postcard

cc: Mr. B. Robert Kill
Ms. Tammy Boetsma

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TTAB



08-28-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #58

August 27, 2003

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

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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513..

Chad Normington
(Name of person mailing paper or fee)

[Signature]
Signature

Re: HMR Acquisition Company, Inc. d/b/a Hacienda Mexican Restaurants v. Casual Dining, Inc.
Opposition No. 91155801
In the Matter of Application No. 78/030,875

Dear Sir/Madam:

A Second Motion for Extension of Time to Respond to Discovery is enclosed for filing in the above-referenced matter.

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