



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

FMR CORP.,  
Opposer/Plaintiff,

v.

FIDELITY NATIONAL FINANCIAL, INC.,  
And FNF INTELLECTUAL PROPERTY  
HOLDINGS, INC.,  
Applicant/Defendants.

Opposition No. 91156160

Mark: FIDELITY NATIONAL  
FINANCIAL & Design

SN 76/180,913

**MOTION, WITH CONSENT, FOR EXTENSION OF TIME TO FILE  
ANSWER TO THE NOTICE OF OPPOSITION AND FOR EXTENSION OF  
DISCOVERY AND TESTIMONY DATES**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**Attn.: TRADEMARK TRIAL & APPEAL BOARD**

Sir:

Applicant/Defendants, with the consent of Opposer/Plaintiff, herewith move for a ninety (90) day extension of time to file their answer to the Notice of Opposition in the above-identified proceeding, and also move for a ninety (90) day extension of the discovery and testimony schedule. The proposed revised schedule is as follows:

Applicant's Answer due: February 4, 2007

Discovery Period to close: April 5, 2007

30-day testimony period for party in position  
of plaintiff to close: July 4, 2007



11-01-2006

30-day testimony period for party in position  
of defendant to close:

September 2, 2007

15-day rebuttal testimony period for  
plaintiff to close:

October 17, 2007

Counsel for Opposer, I. Stephen Samuels, consented to the extension of time in an email to Applicant/Defendant's counsel on October 27, 2006. The parties are in the process of executing a consent agreement. This motion thus is not presented for purposes of delay, and it is respectfully requested that it be granted.

Respectfully submitted,

BANNER & WITCOFF, LTD.  
Attorneys for Applicant/Defendants

Date: 11/16/06

By:   
Helen Hill Minsker  
1001 G Street, NW  
Suite 1100  
Washington, DC 20001-4597  
Telephone: (202) 824-3285

Marc S. Cooperman  
Banner & Witcoff, Ltd.  
10 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-7407  
Telephone: (312) 463-5497

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November 2006 a copy of the foregoing **MOTION, WITH CONSENT, FOR EXTENSION OF TIME TO FILE ANSWER TO THE NOTICE OF OPPOSITION** was served on counsel for Opposer by email and by first class mail, postage prepaid, addressed as follows:

I. Stephen Samuels, Esq.  
Samuels & Hiebert, LLC  
Two International Place  
23<sup>rd</sup> Floor  
Boston, Massachusetts 02110-4104  
(email) ISS@SamuelsTM.com



---

Helen Hill Minsker