

08-21-2003

U.S. Patent & TMOtc/TM Mail RcptDt. #22

TTAB

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



FMR CORP.,
Opposer,

Opposition No. 91156160

v.

Mark: FIDELITY NATIONAL
FINANCIAL & Design

FIDELITY NATIONAL FINANCIAL, INC.,
Applicant.

SN 76/180,913

**MOTION, WITH CONSENT, FOR EXTENSION OF TIME TO FILE ANSWER OR
OTHERWISE PLEAD IN RESPONSE TO NOTICE OF OPPOSITION, AND FOR
EXTENSION OF DISCOVERY AND TESTIMONY SCHEDULE**

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

Box: TTAB

CG 2003-3 11/09/03

Sir:

Applicant, Fidelity National Financial, Inc., with the consent of Opposer, FMR Corp, requests a sixty-day extension of time, up to and including **November 7, 2003**, in which to answer or otherwise plead in response to the above-captioned opposition, and also for a sixty-day extension of the discovery and testimony schedule. The proposed revised schedule is as follows:

Applicant's Answer due: November 7, 2003

Discovery Period to close: April 15, 2004

30-day testimony period for party in position
of plaintiff to close: July 14, 2004

30-day testimony period for party in position
of defendant to close: September 12, 2004

15-day rebuttal testimony period for
plaintiff to close: October 27, 2004

09/03/2003 11:48

Attorney Docket: 6178.00006

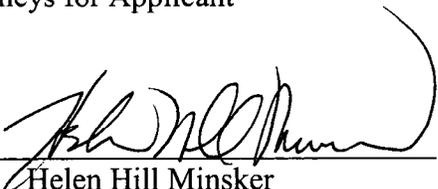
The parties are continuing to discuss settlement, and the extension of time is needed to further the settlement discussions. Counsel for Opposer, I. Stephen Samuels, consented to this extension of time in a telephone conversation with the undersigned on August 20, 2003. This extension of time is thus not presented for purposes of delay, and it is respectfully requested that it be granted.

The original and two copies of this motion are filed herewith.

Respectfully submitted,

BANNER & WITCOFF, LTD.
Attorneys for Applicant

Date: August 21, 2003

By: 

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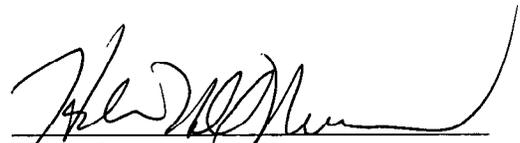
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Attorney Docket: 6178.00006

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August 2003, a copy of the foregoing MOTION, WITH CONSENT, FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD IN RESPONSE TO NOTICE OF OPPOSITION, AND FOR EXTENSION OF THE DISCOVERY AND TESTIMONY SCHEDULE, was served on counsel for Opposer by facsimile and by first class mail, postage prepaid, addressed as follows:

I. Stephen Samuels, Esq.
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Helen Hill Minsker