

TMB

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

In the Matter of Trademark Appl. No.: 76/346,860
Mark: Miscellaneous Design (blue covered battery)
Published: April 1, 2003

EXIDE TECHNOLOGIES,)
Opposer,)
v.)
JOHNSON CONTROLS BATTERY)
GROUP, INC.,)
Applicant.)

Opposition No. 91159935



04-29-2004

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

TTAB / NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3515

CONSENTED MOTION FOR EXTENSION OF ALL DEADLINES

Applicant moves, with the consent of Barbara Hatcher, Opposers' General Counsel, for a sixty (60) day extension of all deadlines associated with this case. Consent was granted to Mark Koczela, the General Counsel of Applicant via voicemail on April 23, 2004. All pleading, discovery, and trial dates would be reset as follows:

- Answer to Notice of Opposition July 5, 2004
- Discovery Period to Close: December 12, 2004
- Testimony Period for Party in position of Plaintiff to Close: March 12, 2005
(opening thirty days prior thereto)
- Testimony Period for Party in position of Defendant to close: May 11, 2005
(opening thirty days prior to)
- Rebuttal Testimony Period To Close: June 25, 2005
(opening fifteen days prior thereto)

It is believed that the granting of this motion would be in the best interests of the parties and of the Patent and Trademark Office. The parties require more time to review their positions and consider the prospects for settlement of this opposition. The foregoing motion is made in good faith and

not for the purpose of delay, and is being submitted in *triplicate* in accordance with Trademark Rules 2.120(a) and 2.121(d). Please direct any questions regarding this paper, as well as any future inquiries or correspondence regarding this proceeding, to the undersigned at the address and telephone number below.

Respectfully submitted,
FOLEY & LARDNER LLP

Dated: April 27, 2004

By: 
Mark J. Diliberti
John C. Cooper III
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 297-5581/5774

Attorneys for Applicant

CERTIFICATE OF SERVICE

CERTIFICATE OF MAILING

I, Ardis J. Sitar hereby certify that a copy of the Applicant's CONSENTED MOTION FOR EXTENSION OF ALL DEADLINES was deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to

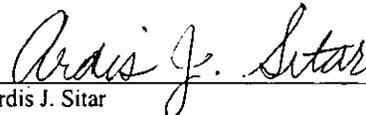
I hereby certify that this document, pursuant to 37 CFR § 1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on this

ROGER P. FUREY, ESQ.
KATTEN MUCHIN ZAVIS ROSENMAN
1025 THOMAS JEFFERSON DRIVE, N.W.
SUITE 700, EAST LOBBY
WASHINGTON, DC 20007

27 day of April, 2004

FOLEY & LARDNER LLP

this 27 day of April, 2004

By: 
Ardis J. Sitar

FOLEY & LARDNER LLP

By: 