

which would require responses on September 9, 2004 without any extension of time. This is the first time applicants have requested any extension of time to respond to discovery.

Opposer's interrogatories asked for detailed information regarding applicants' business, sales, advertising and use of their mark. Opposer's interrogatories also request detailed information regarding various allegations set forth in applicants' answer to the Notice of Opposition. Applicants' attorneys need time to investigate all of these matters fully with proper representatives of applicants so that information can be provided. Opposer's requests for production of documents seek extensive documentation relating to applicants' business, licensing, franchising, market research, customers, location of restaurants, advertising, trademark searches, opinion letters, investigations and various contentions raised in applicants' answer. In sum, opposer's discovery demands substantial work from applicants' attorneys and applicants.

Applicants need an additional 30 days to obtain information and documents to respond to these discovery requests. Applicants own a chain of restaurants. Unlike opposer, applicants do not have a person devoted to dealing with trademark matters. The time of applicants' employees to respond to discovery requests must be found while they perform their business responsibilities. Accordingly, applicants have shown good cause for the requested extension. A 30 day extension of time would only extend the time to respond until October 11, 2004, well before the January 3, 2005 close of discovery. No request for an extension of the January 3, 2005 discovery end date is being requested presently.

Prior to filing the present motion, applicants' attorneys contacted opposer's attorneys and requested the additional 30-day period of time. Opposer's attorney, Barbara Solomon, stated that opposer would grant applicants only until September 24, 2004 to respond, but not an additional

30 days. Unfortunately, the offered two-week extension of time would not provide applicants the time needed to respond, thus necessitating the present motion.

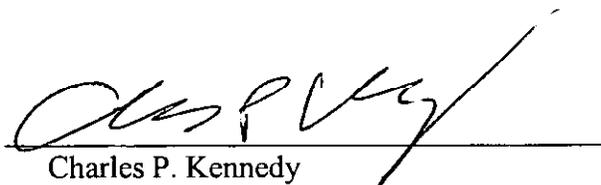
Applicants have attached a proposed order granting the extension of time until October 11, 2004.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

Dated: September 9, 2004

By:



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CERTIFICATE OF SERVICE

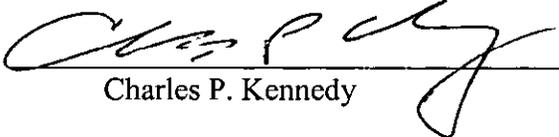
I hereby certify that true copies of the following documents:

1. **APPLICANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO OPPOSER'S DISCOVERY REQUESTS; and**
2. **[PROPOSED] ORDER**

were served upon the following counsel of record this 9th day of September 2004, as follows:

VIA FACSIMILE AND FIRST-CLASS MAIL:

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