TTAB

35175/82

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

- -x

SUPERVALU INC., Opposer, v. FRANCO MANUFACTURING CO., INC., Applicant.	Opposition No. 91161241 Application Serial No. 76/323,411 Filing Date: October 10, 2001 Publication Date: January 13, 2004 Trademark: SUPER VALUE

- -x

11-26-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

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Commissioner for Trademarks
Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

MOTION UPON CONSENT FOR EXTENSION
OF TIME TO FILE ANSWER AND TO EXTEND DATES

Dear Commissioner:

Applicant, Franco Manufacturing Co., Inc., upon consent of counsel for opposer, SuperValu Inc., hereby moves to extend the time to answer and to extend all discovery and testimony periods by three (3) months. The parties are engaging in

settlement discussions and require additional time so that they may hopefully resolve this matter.

The dates, as extended, would expire as follows:

Applicant's Answer due:	February 19, 2005
Discovery to Close:	April 29, 2005
30-day testimony period for party in position of plaintiff to close:	July 29, 2005
30-day testimony period for party in position of defendant to close:	September 28, 2005
15-day rebuttal testimony period for plaintiff to close:	November 12, 2005

Scott W. Johnston, Esq., counsel for Opposer, consented to this motion and the extension in a telephone conversation on November 17, 2004.

An original and two copies of this Motion are submitted herewith.

A certificate of service upon counsel for Opposer is attached.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

90 Park Avenue
New York, New York 10016
(212) 336-8000 (Telephone)
(212) 336-8001 (Facsimile)

By: Holly Pekowsky
Holly Pekowsky

Dated: New York, New York
November 24, 2004

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she is one of the attorneys for Applicant Franco Manufacturing Co., Inc. in the captioned action, and that on the date which appears below she served a copy of the annexed MOTION UPON CONSENT FOR EXTENSION OF TIME TO FILE ANSWER AND TO EXTEND DATES on Opposer Supervalu Inc. by causing a copy thereof to be placed in a depository under the care and custody of the United States Postal Service, First Class postage prepaid affixed thereto, addressed to the attorneys for Opposer, as follows:

Scott W. Johnston, Esq.
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402-9944

Holly Pekowsky

Dated: November 24, 2004
New York, New York