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

In re Serial No.: 76/519,210
Trademark: OPTIMIZER

TTAB

AM GENERAL LLC,

Opposer,

v. Opposition No. 91161287

OPTIMIZER, INC.

Applicant.

_____/

Box TTAB
Director for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

MOTION ON CONSENT FOR EXTENSION OF TIME
FOR APPLICANT TO RESPOND TO NOTICE OF OPPOSITION

Director:

Applicant, Optimizer, Inc., having its principal address at 13337 S.W. 88th Avenue, Miami, Florida 33176, by and through its undersigned counsel, hereby requests a 30-day extension of time within which to answer or otherwise respond to the Notice of Opposition in this proceeding, making the response due September 23, 2004, and states:

1. This extension of time is necessary to allow Applicant to evaluate Opposer's position and to consider possible avenues for an amicable resolution.

2. On August 25, 2004, Gerard T. Gallagher, counsel for Opposer advised the undersigned that he consents to the requested relief.

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08-25-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

3. This motion is being filed in good faith, and not for the purpose of creating undue delay.

Respectfully submitted,

KLUGER, PERETZ, KAPLAN & BERLIN, P.L.
Attorneys for Optimizer, Inc.
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Miami, Florida 33131
(305) 379-9000

Dated: August 25, 2004

By: Gregg Reed
Gregg Reed

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing served via facsimile and regular U.S. mail on this 25th day of August, 2004 to:

Gerard T. Gallagher, Esq.
Baker & Daniels
205 West Jefferson Boulevard, Suite 250
South Bend, Indiana 46601

Fax: 574-239-1900

CERTIFICATE OF MAILING

I hereby certify that this Agreed Motion for Extension of Time to Respond to Notice of Opposition is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to Box TTAB, Director for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on this date August 25, 2004.

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