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

Proceeding	91161944
Party	Plaintiff LABELTEX MILLS INCORPORATED LABELTEX MILLS INCORPORATED P.O. BOX 19276 Encino, CA 914169276
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Submission	Motion to Extend
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Date	11/18/2005
Attachments	MotionforExtofTime.pdf (3 pages)

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

LABELTEX MILLS, INC.)	
)	
Opposer)	
)	Opposition No. 91161944
v.)	
)	
LABELTEX S.R.L.)	
)	
Applicant)	
_____)	

UNCONSENTED MOTION FOR EXTENSION OF TIME

Opposer hereby moves that the time within which discovery is set to close be extended from the present closing date, 18 November 2005, to a date certain ninety (90) days from the date of the Board's decision on this motion, and that the trial dates be reset accordingly.

The purpose of this motion is not to delay these proceedings unnecessarily, but to enable Opposer and its counsel to complete the discovery required for preparation and submission of Opposer's testimony and rebuttal.

Both parties have served interrogatories and requests for production of documents, and responses have been exchanged. Each of the parties has voiced objections to the other's responses and requested further responses. Applicant has served a second set of interrogatories and requests for documents. Opposer is prepared to do so, but cannot until it has translations of more than 400 documents submitted under protective order by Applicant, the vast majority of which are in Italian and unintelligible to Opposer's counsel. The translations are in process, but were held up pending Applicant's explanation of the meaning of certain terms contained in the submitted documents. Applicant's counsel furnished the requested explanations on 26 October 2005. Initial translations are

anticipated to be completed in less than a week. The remaining translations are expected to take considerably longer.

Applicant is an Italian company officed in Italy. Save for its counsel, it has no presence in the United States. Among other factors, the problems associated with intercontinental logistics and dissimilar commercial and legal practices inveigh against the efficient, prompt handling of discovery matters. Opposer and its counsel require the additional time requested to review the translations of the information obtained thus far during discovery, to determine specifically what additional discovery is needed, to address issues that have arisen during previous discovery activities, and to take depositions.

Regrettably, for reasons entirely unrelated to either party's preparations, participation, discovery, testimony or rebuttal in connection with these proceedings, Applicant's counsel informed Opposer's counsel on 17 November 2005 that Applicant does not consent to Opposer's request for an extension of the discovery period.

This request is being filed by ESTTA.

/Robert Louis Finkel/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Unconsented Motion for Extension of Time (re Opposition No. 91161944) is being served on Applicant's counsel on November 17, 2005 by facsimile at 202-857-6395, and a confirmation copy thereof is being served by United States mail, first class, with postage prepaid, addressed as follows:

Michael A. Grow, Esq.
Arent Fox
1050 Connecticut Avenue NW
Washington, DC 20036-5339

/Robert Louis Finkel/
Robert Louis Finkel

CERTIFICATE OF FILING BY ESTTA

I hereby certify that the foregoing Unconsented Motion for Extension of Time (re Opposition No. 91161944) is being filed with the Trademark Trial and Appeal Board by means of ESTTA on 17 November 2005.

/Robert Louis Finkel/
Robert Louis Finkel