

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

Digi International Inc.,

Opposition No. 91163719
Serial No. 76/561,585

Opposer

v.

DigiPos Systems Inc.,

Applicant

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on the date below:

10-21-05 
Date Signature

**GENERAL OBJECTION TO INTERROGATORIES AND STIPULATED
REQUEST FOR EXTENSION OF DISCOVERY AND TESTIMONY PERIODS**

The undersigned attorney for the Opposer hereby objects to Applicant's First Set of Interrogatories To Opposer (the "Interrogatories") as excessive in number. The Interrogatories are numbered one (1) through one-hundred-four (104), which is clearly in excess of the seventy-five (75) interrogatories allowed under 37 C.F.R. 2. 120(d)(1). The parties have conferred and have agreed that Applicant's attorney shall reissue the Interrogatories in keeping with the limits set by 37 C.F.R. 2.120(d)(1).

The parties hereto also respectfully request that the discovery deadlines in this action be extended by ninety (90) days as follows:

Discovery period to close: March 23, 2006

Testimony period for party in the
position of plaintiff to close: June 21, 2006



Testimony period for party in the
position of defendant to close: August 20 , 2006

Rebuttal testimony period to close: October 4, 2006

The undersigned attorney for Opposer and Applicant's attorney Serge Anissimoff agreed to the above stated extension in a telephone conference on October 19, 2005. The parties mutually agree that they need additional time to complete discovery. This motion is not being made for the purpose of delay.

In addition, Applicant agrees to extend by ninety (90) days the deadline for Opposer to respond to Applicant's 1st Set of Requests for Production of Documents.

Respectfully submitted,

Date: October 21, 2005



Marsha Stolt, Esq.
MOSS & BARNETT, P.A.
Attorneys for Opposer
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 347-0443

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above titled General Objection To Interrogatories and Stipulated Request for Extension of Discovery and Testimony Periods was served upon Applicant via facsimile and by depositing a copy thereof in the mail as first class mail, postage prepaid, directed to:

Serge Anissimoff
ANISSIMOFF & ASSOCIATES
Richmond North Office Centre
Suite 201, 235 North Centre Road
London, ON N5X 4E7
Canada

Date: October 21, 2005



Marsha Stolt, Esq.
MOSS & BARNETT, P.A.
Attorneys for Opposer
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 347-0443