

ESTTA Tracking number: **ESTTA69161**

Filing date: **03/03/2006**

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

Proceeding	91164930
Party	Plaintiff LE GROUPE FRUITS & PASSION INC./THE FRUI LE GROUPE FRUITS & PASSION INC./THE FRUITS & PASSION GROUP INC. 21 Paul Gauguin Street Candiac, Quebec, J5R3X8 CANADA
Correspondence Address	Mary S. Mathew Collard & Roe PC 1077 Northern Boulevard Roslyn, NY 11576 UNITED STATES mmathew@collardroe.com
Submission	Motion to Extend
Filer's Name	Stewart J. Bellus
Filer's e-mail	sbellus@collardroe.com
Signature	/sjb/
Date	03/03/2006
Attachments	fruitspassion(motion.pdf (2 pages)

OPPOSER'S SECOND REQUEST FOR EXTENSION OF TIME OF TESTIMONY PERIODS

1. Opposer, GROUPE FRUITS & PASSION INC./THE FRUITS & PASSION GROUP, INC., requests that the testimony periods be extended sixty (60) days according to the following schedule:

30-day testimony period for party in position of Plaintiff to close: June 2, 2006
30-day testimony period for party in position of Defendant to close : August 3, 2006
15-day rebuttal testimony period for Plaintiff to close: September 18, 2006

2. The basis for this request is that the parties had been negotiating settlement, and appeared to be fairly close to reaching an amicable resolution of this opposition. However, Opposer now advises (though undersigned counsel has no independent knowledge) that the Applicant, Muelhens GmbH Co. KG has been sold. As a result, Opposer no longer is in a position to immediately continue settlement negotiations, and needs more time to locate a new contact person with whom to negotiate.
3. Undersigned counsel does not know whether Leon Medzhibovsky still is counsel for Applicant or some successor-in-interest. However, in previous requests, Mr. Medzhibovsky was not able to obtain instructions from Applicant. Therefore, Opposer does not know whether Applicant will consent or object to this request.

Based on the above, Applicant respectfully requests that the testimony periods be extended as outlined above.

GROUPE FRUITS & PASSION INC./THE FRUITS &
PASSION GROUP, INC.

/sjb/
Stewart J. Bellus
Frederick Dorchak
Allison C. Collard
COLLARD & ROE, P.C.
Attorneys for OPPOSER
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Date:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing OPPOSER'S
SECOND REQUEST FOR EXTENSION OF TIME OF TESTIMONY PERIODS has this 3rd
day of March, 2006 been sent by prepaid First Class Mail to the last counsel of record for
Applicant:

Leon Medzhibovsky
Fulbright & Jaworski LLP
666 Fifth Avenue
New York, NY 10103

/sjb/
Stewart J. Bellus