ESTTA Tracking number: **ESTTA83245**
Filing date: **05/31/2006**

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

Proceeding	91167540
Party	Plaintiff Mintek Corporation Mintek Corporation Unit A 1022 Main Street Dunedin, FL 34698
Correspondence Address	Thomas E. Toner SMITH & HOPEN, P.A. 15950 BAY VISTA DR STE 220 CLEARWATER, FL 33760-3118
Submission	Opposition/Response to Motion
Filer's Name	Thomas E. Toner
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Signature	/thomas e toner/
Date	05/31/2006
Attachments	Motion of Opposition of Extension.pdf (3 pages)(70881 bytes)

Practitioner's Docket No.: **1185.26** **TRADEMARKS**

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

In re Application Serial No.	:	**78/490,643**
For the Mark	:	**MINATEK**
Filed	:	**September 28, 2004**
Published in the Trademark Official Gazette on	:	**September 13, 2005**

Mintek Corporation

Opposer,

v.

Samuel Bouter,
D.B.A. Minatek Solutions

Applicant.

Opposition No. 91167540

MOTION IN OPPOSITION OF EXTENSION OF DISCOVERY

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Sir:

Mintek Corporation (hereinafter "Opposer") hereby submits its Motion In Opposition Of Extension of Discovery in response to the erroneously submitted Motion for an Extension of Discovery or Trial Periods With Consent, filed by Samuel Bouter, D.B.A. Minatek Solutions (hereinafter "Applicant") on May 31, 2006.

Attorneys for Opposer were notified of the alleged Motion on Consent via email from the Trademark Trial and Appeal Board Electronic Filing System. At no time was Opposer, or its representative, contacted by Applicant with regard to extending discovery. Applicant willfully submitted the motion without seeking the consent of Opposer. No consent, express or implied, was secured by Applicant prior to submitting its motion. In fact, Applicant did not even attempt

to secure such consent. Opposer has not received any communication from Applicant since January 27, 2006, when Applicant faxed its deficient Answer.

Applicant has continued to disregard the Trademark Rules of Practice, promulgated to allow the Board to ensure the orderly litigation of cases before it, and shows no indication of following the Rules in the future. Opposer respectfully requests that the Motion for an Extension of Discovery or Trial Periods with Consent be denied.

Very respectfully,

SMITH & HOPEN, P.A.

Date: May 31, 2006
Reg. No.: 57,422

Thomas E. Toner
SMITH & HOPEN, P.A.
180 Pine Avenue North
Oldsmar, FL. 34677
(813)925-8505
Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing MOTION IN OPPOSITION OF EXTENSION OF DISCOVERY, and duly signed by attorneys for Opposer, has been served upon Applicant this **May 31, 2006** via email to sbouter@minateksolutions.com followed by a copy by Express Mailing Label EV917113068US to the following address: 9049 Commercial St., Suit 260, New Minas, NS B4N 5A4, CAX-Canada.