

ESTTA Tracking number: **ESTTA82808**

Filing date: **05/30/2006**

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

Proceeding	91170560
Party	Defendant Knud Nielsen Company, Inc. Knud Nielsen Company, Inc. 217 Park Street Evergreen, AL 36401
Correspondence Address	NATHAN W. JOHNSON BRADLEY ARANT ROSE & WHITE LLP 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Nathan W. Johnson
Filer's e-mail	njohnson@bradleyarant.com
Signature	/Nathan W Johnson/
Date	05/30/2006
Attachments	2006-05-30 Stipulation to extend.pdf (3 pages)(134246 bytes)

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

POULSEN ROSER, A/S,)	
)	
Opposer,)	
)	Opposition No. 91170560
v.)	Application Serial No. 78/547,410
)	
KNUD NIELSEN COMPANY, INC.)	
)	
Applicant.)	

**JOINT STIPULATION
FOR EXTENSION OF TIMES INCLUDING TIME TO ANSWER AND
SUBSEQUENT DATES**

Applicant Knud Nielsen Company, Inc. (“Applicant”), owner of Application Serial Number 78/547,410, and Opposer Poulsen Roser (“Opposer”), hereby jointly stipulate to and request an extension of time in order to facilitate settlement discussions.

1. The deadline for an Answer or other paper by Applicant in reply to the Notice of Opposition was set by this Honorable Board for June 3, 2006.

2. Following the transmission by the Board of the Scheduling Order, Counsel for Applicant and Opposer have exchanged correspondence regarding potential terms of a settlement agreement for discussion. A proposal relating to certain of the terms of a settlement agreement is now under consideration by Opposer.

3. Applicant and Opposer believe that the potential for settlement would be facilitated by allowing the parties to focus on discussions, rather than requiring either party to invest in preparation of pleadings, discovery, or objections, including but not limited to the Answer or other paper responsive to the deadline for answer.

4. Accordingly, the parties jointly stipulate to and request an extension by sixty (60) days, in which Applicant may answer the Notice of Opposition filed herein, or may otherwise plead or file such papers as are appropriate in connection with the deadline therefor, pursuant to Trademark Rule 2.106(b)(2)(iv); namely, until and including August 2, 2006, which, in the event of error in calculation shall control.

5. The parties further stipulate to and request an extension by sixty (60) days of all dates subsequent to the initially set answer deadline, which shall also be extended by sixty (60) days, such that the schedule shall be as follows (and, in the event of error in calculation, the following dates shall control):

Discovery and testimony periods are set as follows:

Discovery period to open: July 12, 2006
Discovery period to close: January 08, 2007

30-day testimony period for party
in position of plaintiff to close: April 09, 2007

30-day testimony period for party
in position of defendant to close: June 07, 2007

15-day rebuttal testimony period
for plaintiff to close: July 23, 2007

6. This extension is stipulated and requested to enable the parties to discuss a possible settlement resolution that may allow the matter to be resolved without intervention of the Board, and is thus in the interest of judicial economy.

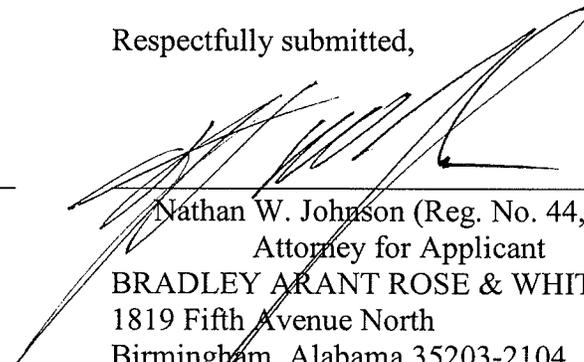
7. This request is made jointly, and confirmed by the signatures of counsel for the parties, respectively, as set forth below.

8. The extension is not made for the purpose of mere delay, is supported by good cause in light of the recent discussions of Applicant and Opposer regarding potential settlement avenues, and is not believed to prejudice any of the parties.

9. Following discussion between Counsel for Applicant and Counsel for Opposer, and exchange of a draft of this stipulation, Counsel for Opposer stipulated to the foregoing in a telephone message left on May 26, 2006.

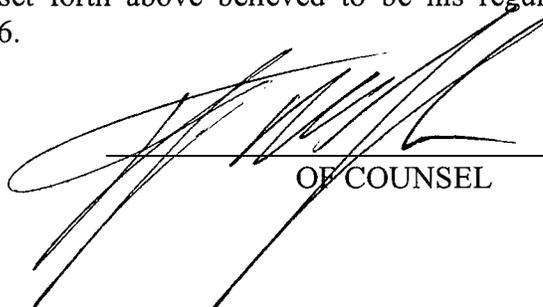
Respectfully submitted,

 30, 2006
Date


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CERTIFICATE OF SERVICE

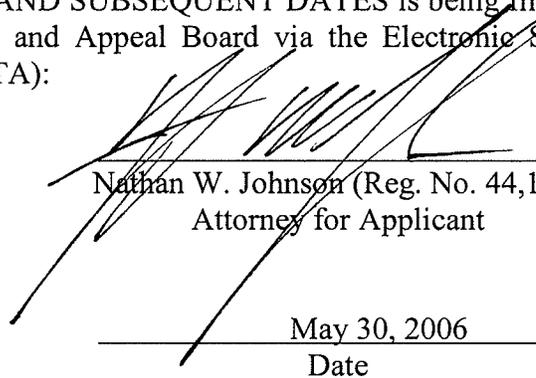
I hereby certify that I have this date served the foregoing JOINT STIPULATION FOR EXTENSION OF TIME INCLUDING TIME TO ANSWER AND SUBSEQUENT DATES, on Louis K. Ebling, Esq., 2800 Chemed Center, 255 East Fifth Street, Cincinnati, Ohio 45202-4728, by placing a copy of the same in the U.S. Mail, first-class postage prepaid and addressed as set forth above believed to be his regular mailing address, on this 30th day of May 2006.



OF COUNSEL

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this JOINT STIPULATION FOR EXTENSION OF TIME INCLUDING TIME TO ANSWER AND SUBSEQUENT DATES is being filed on May 30, 2006 with the Trademark Trial and Appeal Board via the Electronic System for Trademark Trials and Appeals (ESTTA):

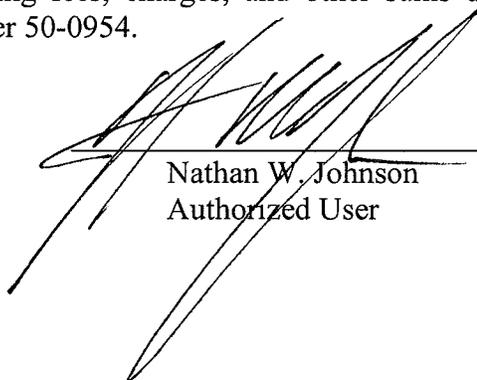


Nathan W. Johnson (Reg. No. 44,173)
Attorney for Applicant

May 30, 2006
Date

**AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT**

If, after processing the enclosed items, any charges, fees or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 50-0954.



Nathan W. Johnson
Authorized User