



Attorney Docket No. 84360

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

Opposition No.: 91173564
Application Serial Number: 78180141
Application Filing Date: October 30, 2002
Mark: AQUACURE
Date of Publication: June 27, 2006

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3M COMPANY)
)
Opposer,)
)
)
v.)
)
MAGCHEM INC.,)
)
Applicant.)

TRANSMITTAL LETTER

Commissioner for Trademarks
P. O. Box 1451
Alexandria, Virginia 22313-1451

Commissioner:

Submitted herewith for filing in the U.S. Patent and Trademark Office are the following:

- (1) **CONSENTED MOTION FOR EXTENSION OF TIME TO ANSWER AND TO EXTEND DISCOVERY AND TESTIMONY PERIODS**

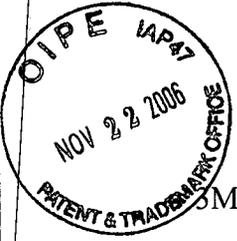
Please charge any required fee, or credit any overpayment, in connection with this matter to deposit Account No. 14-0112.

Respectfully submitted,

By: 
Harold L. Novick
H. David Starr
Attorneys for Applicant

Date: November 22, 2006
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U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22



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

SM COMPANY)

Opposition No. 91173564

Opposer,)

**CONSENTED MOTION FOR
EXTENSION OF TIME TO
ANSWER AND TO EXTEND
DISCOVERY AND
TESTIMONY PERIODS**

v.)

MAGCHEM INC.,)

Applicant.)

Mark: AQUACURE
Serial No.: 78/180,141
Filed: October 30, 2002

Applicant, MAGCHEM INC. ("Magchem"), by its counsel, hereby moves to extend the time within which it may answer, move or object with respect to the Notice of Opposition, by an additional ninety (90) days, to and including March 4, 2007. Magchem further moves that the discovery and testimony periods set forth in the Board's Notice, dated October 25, 2006, also be extended by an additional ninety (90) days, which would result in the following revised schedule:

Discovery period to open: **February 12, 2007**

Discovery period to close: **August 11, 2007**

30-day testimony period for party in position of plaintiff to close: **November 9, 2007**

30-day testimony period for party in position of defendant to close: **January 8, 2008**

15-day rebuttal testimony period
for plaintiff to close:

February 22, 2008

Counsel for Opposer, Martin G. Hernandez, consented to this Motion by telephone on November 21, 2006.

The additional ninety (90) days requested herein, relative to the time to file an Answer, is a reasonable and necessary request in order to investigate the claims made by Opposer. Magchem should have the opportunity to review such the Notice of Opposition to fully consider whether the allegations and positions contained therein support, undermine, or otherwise shed new light on the allegations and positions contained in the present Notice of Opposition.

In addition, the parties require this additional time to explore settlement possibilities.

Accordingly, Applicant submits that it has shown good cause for extending the time in which it may respond to the Notice of Opposition and for extending the discovery and testimony periods.

For all the foregoing reasons, approval of the present consented motion is respectfully requested.

Date: November 22, 2006

Respectfully submitted,



Harold L. Novick
H. David Starr

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Attorneys for MAGCHEM INC.

CERTIFICATE OF SERVICE



This is to certify that I am on this date serving a copy of the within and foregoing **CONSENTED MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND TO EXTEND DISCOVERY AND TESTIMONY PERIODS** upon the attorney for Opposer by depositing a true and correct copy of same in the United States Mail in an envelope with sufficient first class postage affixed thereon to ensure delivery, addressed as follows:

Martin G. Hernandez, Esq.
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701


Harold L. Novick
H. David Starr
Attorneys for Applicant

Date: November , 2006

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