

ESTTA Tracking number: **ESTTA227091**

Filing date: **07/29/2008**

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

| | |
|------------------------|---|
| Proceeding | 91176791 |
| Party | Plaintiff UMG RECORDINGS, INC. |
| Correspondence Address | ALEXA L. LEWIS, ESQ. MITCHELL SILBERBERG & KNUPP, LLP 11377 W. OLYMPIC BOULEVARD LOS ANGELES, CA 90064 UNITED STATES ALL@MSK.COM |
| Submission | Stipulated/Consent Motion to Extend |
| Filer's Name | Alexa L. Lewis |
| Filer's e-mail | all@msk.com, kls@msk.com |
| Signature | /Alexa L. Lewis/ |
| Date | 07/29/2008 |
| Attachments | STIPULATED MOTION TO EXTEND TESTIMONY AND TRIAL DATES (1913794).PDF (5 pages)(198475 bytes) |

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

In the matter of Application Serial No. 78/751,105
Published for Opposition in the OFFICIAL GAZETTE on December 12, 2006

UMG RECORDINGS, INC.

Opposition No.: 91176791

Opposer

v.

MATTEL, INC.,

Applicant

STIPULATED MOTION TO EXTEND TESTIMONY AND TRIAL DATES

Pursuant to TBMP § 501, Applicant Mattel, Inc. (“Applicant” or “Mattel”), by its counsel, and Opposer, UMG Recordings, Inc. (“Opposer” or “UMG”), by its counsel, hereby jointly move for and stipulate to an extension of 30 days of the schedule set in this action. The parties are currently finalizing the scheduling of and taking their discovery depositions, and therefore desire to extend the schedule set in this action as set forth below.

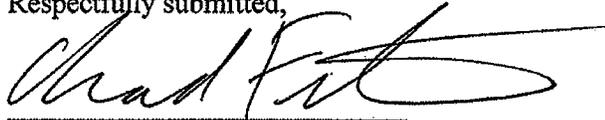
| <u>PERIOD</u> | <u>DATE</u> |
|--|--|
| Period for discovery to close: | Closed (except with regard to discovery depositions) |
| 30-day testimony period for party in position of plaintiff in the opposition to close: | September 29, 2008 |
| 30-day testimony period for party in position of defendant in the opposition and plaintiff in the counterclaim to close: | November 28, 2008 |
| 30-day rebuttal testimony period for plaintiff in the opposition and defendant in the counterclaim to close: | January 27, 2008 |
| 15-day rebuttal testimony period for plaintiff in the counterclaim to close: | March 10, 2009 |

Briefs shall be due as follows:

Brief for plaintiff in the opposition shall be due: May 11, 2009
Brief for defendant in the opposition and plaintiff in the counterclaim shall be due: June 11, 2009
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff in the opposition shall be due: July 12, 2009
Reply brief, if any, for plaintiff in the counterclaim shall be due: July 26, 2009

Date: July 29, 2008

Respectfully submitted,



Chad Fitzgerald
KINSELLA, WEITZMAN, ISER, KUMP &
ALDISERT, LLP
808 Wilshire Boulevard, 3rd Floor
Santa Monica, CA 90401
(310) 566-9800
Attorneys for Applicant
Mattel, Inc.

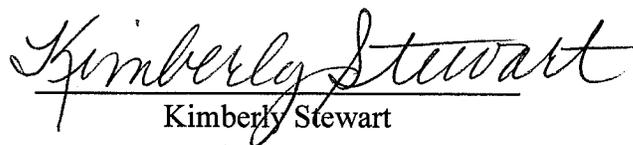
Date: July 29, 2008



Alexa L. Lewis
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064
(310) 312-2000
Attorneys for Opposer
UMG Recordings, Inc.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on this 29th day of July, 2008.


Kimberly Stewart

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On June 29, 2008, I served a copy of the foregoing document(s) described as **STIPULATED MOTION TO EXTEND TESTIMONY AND TRIAL DATES** on the interested parties in this action at their last known address as set forth below by taking the action described below:

Lawrence Y. Iser (liser@kwikalaw.com)

Direct (310) 566-9801

Direct Fax (310) 566-9861

Patricia A. Millett (pmillet@kwikalaw.com)

Direct (310) 566-9821

Direct Fax (310) 566-9870

Chad R. Fitzgerald (CFitzgerald@kwikalaw.com)

Direct 310.566.9802

Direct Fax 310.566.9882

Kinsella, Weitzman, Iser, Kump & Aldisert LLP

808 Wilshire Boulevard, 3rd Floor

Santa Monica, CA 90401

(310) 566-9800

Fax: (310) 566-9850

Counsel for Applicant,
MATTEL, INC.

BY MAIL: I placed the above-mentioned document(s) in sealed envelope(s) addressed as set forth above, and deposited each envelope in the mail at Los Angeles, California. Each envelope was mailed with postage thereon fully prepaid.

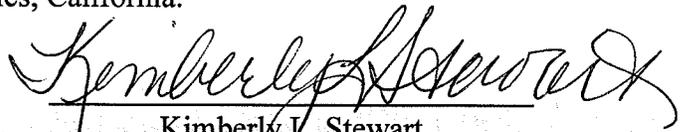
BY OVERNIGHT MAIL: I placed the above-mentioned document(s) in sealed envelope(s) designated by the carrier, with delivery fees provided for, and addressed as set forth above, and deposited the above-described document(s) with in the ordinary course of business, by depositing the document(s) in a facility regularly maintained by the carrier or delivering the document(s) to an authorized driver for the carrier.

- BY PERSONAL DELIVERY:** I placed the above-mentioned document(s) in sealed envelope(s), and caused personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth above.
- BY PLACING FOR COLLECTION AND MAILING:** I placed the above-mentioned document(s) in sealed envelope(s) addressed as set forth above, and placed the envelope(s) for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at 11377 West Olympic Boulevard, Los Angeles, California 90064-1683 in the ordinary course of business.
- BY ELECTRONIC MAIL:** I served the above-mentioned document electronically at ___:___m. on the parties listed at the email addresses above and, to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary.
- BY FAX:** On _____, at _____ am/pm, from facsimile number (310) _____, before placing the above-described document(s) in sealed envelope(s) addressed as set forth above, I sent a copy of the above-described document(s) to each of the individuals set forth above at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of that report is attached hereto.

I declare that I am employed in the office of a member of the State Bar of California and various federal bars, at whose direction such service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 29, 2008, at Los Angeles, California.



Kimberly L. Stewart