

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

# 77695 074

FN HERSTAL	)	Opposition No.: 91193064
	)	
Opposer	)	
	)	
v.	)	
	)	
SAEILO ENTERPRISES, INC.,	)	
	)	
Applicant.	)	

**AGREED THREE (3) MONTH EXTENSION OF REMAINING DATES  
BEGINNING WITH THE OPPOSER'S PRETRIAL DISCLOSURES**

Opposer FN Herstal, S.A., by and through its attorneys  
Burton S. Ehrlich of Ladas & Parry LLP, hereby by agreement, with  
the consent from the Applicant's attorneys Nancy Kennedy of  
Alix, Yale & Ristas, LLP hereby requests a three (3) month  
extension of remaining dates beginning with the Opposer's  
pretrial disclosures. In support of this request the Opposer  
herein provides the following rationale:

The most recent scheduling order was the granting of  
Opposer's consented Motion to Suspend for thirty (30) days the  
not prior closed proceedings which Motion was filed on April 23,  
2012 and which reset scheduling was granted by the Board in an  
Order dated April 26, 2012. According to that Order of April 23,  
2012 proceedings were suspended and automatically resumed thirty  
(30) days later on May 24, 2012. Since that date certain further  
time periods have closed and the parties are requesting that the  
remaining unclosed time periods be reset by a three (30) calendar

month time period.

The Board noted in the Order dated April 26, 2012, which was the most recent Order of the Board in these proceedings, that for any further requests for another extension or suspension the parties should report to the Board on the progress of discovery, or of any ongoing settlement negotiations. Counsel for the parties will report in this request on both the progress of discovery, as well as on the ongoing settlement negotiations. Previously the most recent suspension request filed on April 23, 2012, which was a thirty day request to reset dates was to allow for the parties to continue in settlement efforts. There have been ongoing efforts to resolve this matter through settlement, even though the parties have also been conducting discovery proceedings.

With regard to the reporting the progress on settlement the parties through counsel have been able to achieve a settlement in principle on limiting or in describing the goods of the Applicant. The only remaining issue for settlement relates to issues on how a house mark will appear in connection with certain uses of the mark by the Applicant. In that regard it became necessary to consider the present uses of the mark and the planned uses of the mark, including uses of the mark on the body of the pistol, on websites, on packaging or printed materials and other uses of the mark. The parties have attempted to examine various materials to determine and consider drafting language which commercially would resolve this remaining issue for

achieving settlement. In this regard it became necessary for the Applicant to forward catalogues and materials showing the use of the mark and the parties have approved certain uses of the mark, but the settlement issue which remains is achieving commercially acceptable language for the parties for resolving issues or potential issues pertaining to certain uses of the mark. For instance, certain uses of the mark in the body of advertisements might not require the use in close association of another house mark, provided that the house mark is used in close connection with the mark sought to be registered in more prominent or prior uses in the advertising of the mark sought to be registered. In any event, there has been difficulty in resolving this issue with appropriate language to achieve commercially acceptable goals. However, a number of other issues have been resolved including the Applicant agreeing to not expand the use of the mark beyond certain specified goods and on other aspects of proposed settlement. Further potentially for allowing additional time for settlement to progress it should also be recognized that Opposer is a large corporation with foreign based principals and representatives that need to consider terms of settlement and approve the resulting settlement.

Counsel for the parties also wishes to report that during the time period while further considering and advancing settlement, the parties have also been conducting discovery. Both parties have served sets of Interrogatories and Requests for Documents. Counsel for the Opposer held a recent discovery

conference regarding the non-receipt of timely responses to Opposer's outstanding discovery to the Applicant. Outstanding discovery remains to be completed, but the Applicant's counsel has now agreed as a result of the discovery conference to provide discovery responses to the outstanding set of Opposer's timely served Interrogatories and Requests for Documents. This extension will allow for the potential orderly resolution of certain discovery problems. Additionally, both parties have agreed to a schedule for a formalized exchange of various outstanding documents which will follow the Applicant's providing of responses to the outstanding Opposer's set of Interrogatories and Requests for Documents. This extension will enable the parties to further move forward and hopefully resolve certain discovery disputes and obtain documents prior to providing pretrial initial disclosures or the open of the first testimony period. It should be further noted that both parties have prior served extensive sets of discovery materials, with in particular extensive sets of Requests for Documents. This extension will also allow for remaining discovery proceedings that have been timely served to be concluded prior to the open of a testimony period and for further efforts as may be necessary in resolving potential discovery issues or disputes.

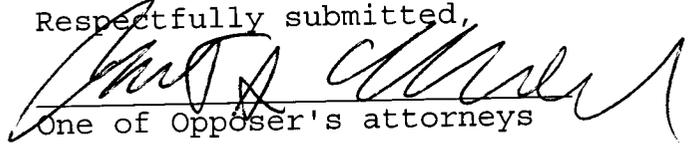
Applicant's counsel has agreed to this resetting of dates and this resetting of dates is not for the purpose of delay.

As previously set forth counsel for the parties has provided

in support of this extension, both a report on the progress of discovery, as well as on ongoing settlement negotiations, with both aspects of the case continuing and giving good cause for this extension. Based upon the foregoing it is respectfully requested that the remaining dates which have not yet closed in these proceedings be reset by three (3) calendar months as follows:

Plaintiff's Pretrial Disclosures :	11/28/2012
Plaintiff's 30-day Trial Period Ends :	01/12/2013
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	01/27/2013
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	03/11/2013
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	03/26/2013
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	05/09/2013
Counterclaim Plaintiff's Rebuttal Disclosures Due :	05/24/2013
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	06/26/2013
Plaintiff's Trial Brief Due :	08/25/2013
Defendant 's Trial Brief and Plaintiff in the Counterclaim Due :	09/24/2013
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	10/24/2013
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	11/08/2013

It is respectfully requested that for the foregoing rationale that the requested extensions of dates be permitted.

Respectfully submitted,  
By:   
One of Opposer's attorneys

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail addressed to ATTN: TTAB - No Fee, Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on August 28, 2012.

  
One of Opposer's attorneys

**CERTIFICATE OF SERVICE**

The undersigned, one of Opposer's attorneys, hereby certifies that on August 28, 2012, he caused a true and correct copies of the foregoing AGREED THREE (3) MONTH EXTENSION OF REMAINING DATES BEGINNING WITH THE OPPOSER'S PRETRIAL DISCLOSURES to be served upon Applicant via First Class mail, postage pre-paid, at the following address:

Nancy Kennedy, Esq.  
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750 Main Street  
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One of Opposer's attorneys