

TTAB

EL498294523US

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

BELL, INC., §  
§  
Petitioner, §  
§  
vs. §  
§  
BELL PACKAGING CORP., §  
§  
Registrant.. §  
§

Cancellation No. 31,904  
Mark: BELL PACKAGING CORPORATION  
Registration No. 2,089,082

TRADEMARK TRIAL AND APPEAL BOARD  
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06-25-2002

U.S. Patent & TMO/TM Mail Rept Dt. #34

**REGISTRANT'S RESPONSE TO PETITIONER'S MOTION FOR EXTENSION OF TESTIMONY PERIODS**

Registrant BELL PACKAGING CORP. opposes the motion filed by Petitioner BELL, INC. to extend the testimony dates in this matter for an additional thirty days.

Registrant respectfully submits that Petitioner has not shown good cause for the request in its motion, and that no good cause exists for Petitioner's request. To date, Petitioner has taken no action on the cancellation it filed, other than to respond the Registrant's discovery. Further, and as confirmed by Petitioner's motion, Registrant has previously consented to two prior extensions of the testimony period totalling ninety days. During those extensions of the testimony period, Petitioner has neither scheduled nor taken any testimony in this matter.

Under prior Board decisions, the "party moving for an extension bears the burden of proof, and must 'state with particularity the grounds therefor, including detailed facts constituting good cause.'" *SFW Licensing Corp. v. Di Pardo Packing Ltd.*, 60 U.S.P.Q.2d 1372, 1375 (T.T.A.B. 2001) (quoting *Luemme Inc. v. D. B. Plus Inc.*, 53 U.S.P.Q.2d 1758, 1760 (T.T.A.B. 1999)). Not only has Petitioner not provided detailed facts constituting good cause in

209

its motion, but it also cannot show the requisite good cause when it has neglected to take any action in this matter.

In light of Petitioner's failure to take appropriate affirmative actions during the discovery period, Registrant respectfully requests that the Board deny Petitioner's motion to extend the testimony periods.

Respectfully submitted on this the 24th day of June, 2002,

By:



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Attorneys for REGISTRANT  
BELL PACKAGING CORP.

**CERTIFICATE OF SERVICE**

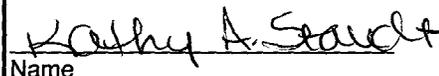
I hereby certify that on this 24th day of June, 2002, a true and correct copy of the foregoing Registrant's Response to Petitioner's Motion for Extension of Testimony Periods was sent via first class mail, postage prepaid, for service upon:

J.W. Gipple  
Gipple & Hale  
P.O. Box 40513  
Washington, DC 20016



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Anita Nesser

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 in an envelope addressed to:  
BOX TTAB NO FEE, 2900 Crystal Drive,  
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