



06-27-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72

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

In the Matter of	
Serial No.: 75/320,220	
Publication Date: April 11, 2000	
Filing Date: July 7, 1997	
Mark: RESIDENT EVIL DIRECTOR'S CUT	

Box TTAB, NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**REQUEST WITH CONSENT FOR
EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION**

Dear Sir:

Hardy & Powell Enterprises Ltd., a British Columbia, Canada corporation having its principal place of business at #402-5951 Balsam Street, Vancouver, British Columbia, Canada V6M 4C3, by and through its attorneys, hereby requests that this case be re-suspended or if that is not possible, a 120 day extension of time in which to file a Notice of Opposition, through November 30, 2003, in the above-referenced matter.

As the Board knows, the Parties have entered into a settlement agreement resolving the potential opposition herein. In accordance with said settlement, Applicant filed a Post-Publication Amendment seeking to make of record a disclaimer to the term "DIRECTOR'S CUT" apart from the mark as shown.

Recent events at the Trademark Office have been confusing. On May 14, 2003, the Board issued a notice advising that the amendment filed December 31, 2002 had been approved by the Examiner and that potential opposer was given until February 10, 2003 within which to file a Notice of opposition. Obviously as this notice was mailed in May, the February deadline made no sense. Subsequently, Potential Opposer received a further notice from the Board restating the approval by the Examiner and setting June 14, 2003 as the new deadline to oppose. Finally, on June 3, 2003, potential opposer received a third notice from the Board advising that the Examiner had refused the amendment and setting July 3 as the deadline to oppose.

In these circumstances, the Parties believe that a further suspension of the deadline is necessary in order to allow for a review of this case by the Board and the Examiner. In the event that the Examiner's position is upheld, the Parties have agreed that the Application would be withdrawn so that no further extensions would be necessary.


Accordingly, the Parties respectfully request that the Board grant the further request with consent for a suspension of this case, or if this is not possible, a further extension of time to file a Notice of Opposition.

The Applicant's counsel, Eric Fingerhut consented to this request in a telephone conversation on June 19, 2003.

This Request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

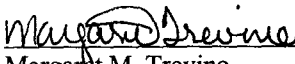
Respectfully submitted,

Dated: June 25, 2003

By: 
Harold J. Milstein
HELLER EHRMAN WHITE & McAULIFFE LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

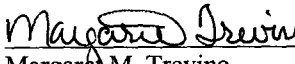
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, addressed to Box TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on June 25, 2003.

 6/25/03
Margaret M. Trevino

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Request With Consent For Extension of Time to File Notice of Opposition upon counsel for Applicant, Eric Fingerhut, Shaw Pittman, 1676 International Drive, McLean, VA 22102-4835, via first-class U.S. June 25, 2003.

 6/25/03
Margaret M. Trevino

HellerEhrman
ATTORNEYS

TTAB

June 25, 2003

*Confidential and Privileged
Via First Class Mail*



Harold J. Milstein
hmilstein@hewm.com
(650) 324-7061
Main (650) 324-7000
Fax (650) 324-0638

Box TTAB, NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: **Trademark Matters in U.S.**
Mark: RESIDENT EVIL DIRECTOR'S CUT
Serial No. 75/320,220
Applicant: Capcom Co., Ltd.
Publication Date: April 11, 2000
Filing Date: July 7, 1997
Our Ref: 37597-1000-1000

Dear Sir:

Enclosed for filing is Hardy & Powell Enterprises Ltd.'s **Request With Consent For Suspension or Extension of Time to File Notice of Opposition** to the above-referenced application.

Please stamp and return the enclosed self-addressed, stamped postcard indicating your receipt of this Request. Please address all correspondence to me at this address.

Very truly yours,

Harold J. Milstein
HELLER EHRMAN WHITE & McAULIFFE LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

Enclosures