

**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**

03 AUG 20 AM 8:44  
TRADEMARK TRIAL AND  
APPEAL BOARD

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



08-12-2002  
U.S. Patent & TMO/TM Mail Rcpt Dt. #79

**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 a 120 day extension of time in which to file a Notice of Opposition, through December 10, 2002, in the above-referenced matter.

On May 6, 2002, the Board notified the Parties hereto that, in the absence of a showing of extraordinary circumstances, no further extension of time would be approved. The Parties believe that such circumstances exist herein and therefore submit that a further extension of the current deadline is proper.

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. As the Board also knows, the Examiner has rejected this amendment request as being improper.

However, the Parties do not believe the Examiner's position in this matter is correct. Accordingly, counsel for Applicant is in the process of contesting the rejection of the amendment.

In these circumstances, the Parties believe that a further extension of the deadline is necessary in order to allow for the review of the Examiner's position. In the event that the Examiner's position is upheld, the Parties have agreed upon appropriate action to resolve the situation which will lead to a final determination in this opposition proceeding.

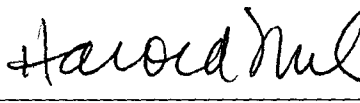
Accordingly, the Parties respectfully request that the Board grant the further request with consent for an extension of time to file a Notice of Opposition.

The Applicant's counsel, Eric Fingerhut consented to this request in a telephone conversation on August 7, 2002.

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

Respectfully submitted,

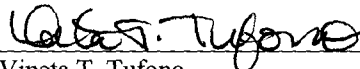
Dated: August 9, 2002

By: 

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

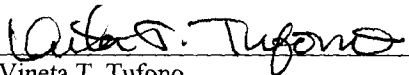
**CERTIFICATE OF MAILING**

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 August 9, 2002.

  
Vineta T. Tufono

**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. August 9, 2002.

  
Vineta T. Tufono

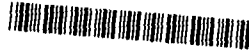
**HellerEhrman**  
ATTORNEYS

TTAB

August 9, 2002

*Confidential and Privileged*  
*Via First Class Mail*

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08-12-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #79

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 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