

TTAB

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08-30-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #61

Lorrie Turner
Name

Lorrie Turner
Signature

Date of Signature: August 28, 2002

AGREED REQUEST FOR FURTHER EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION In the United States Patent and Trademark Office Before the Trademark Trial and Appeal Board

Commissioner for Trademarks
2900 Crystal Drive
Box TTAB No Fee
Arlington, VA 22202-3513

Madam:

In the Matter of Application Serial No. 75/470,513
Published in the OFFICIAL GAZETTE at TM 387 on March 23, 1999

Agway, Inc., a corporation having its principal place of business at 333 Butternut

Drive, Dewitt, New York 13214, and its affiliates, by and through its attorneys, hereby requests that the Board grant it a sixty (60) day extension of time to and including November 1, 2002 to file a Notice of Opposition in the above-identified matter. This would further extend the filing deadline listed in the last Agreed Request for Further Extension of Time to File a Notice of Opposition, which extended the time to oppose to September 2, 2002. Counsel for the Applicant ("Walton & Post") Andy Ransom, Esq. has consented to this extension.

Agway acknowledges that the Board issued an Order some time ago indicating that no further extensions would be granted in the absence of a showing of what progress the

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parties have made toward resolving the matter. The parties have, in fact, made and continue to make significant efforts toward resolving this matter. The parties have exchanged numerous proposed settlement agreements and recently again exchanged revised settlement documents. The parties believe resolution is imminent. But, of course, as with any settlement, if the parties cannot agree on the outstanding issues, Agway may need to file a Notice of Opposition as to this Application.

As mentioned in previous requests, the situation surrounding this additional request for an extension of time to file a Notice of Opposition is extraordinary. The settlement negotiations in this dispute have been complex because there are numerous ongoing opposition and cancellation proceedings pending between the parties before the Trademark Trial and Appeal Board. The parties are working hard and clearly endeavoring to resolve these matters, but the parties respectfully request that the Board take note of the fact that this is an extraordinary situation. The parties are trying to simultaneously resolve numerous ongoing proceedings and would prefer to avoid complicating matters further by adding another opposition proceeding. See TBMP § 209-03. The opposition proceedings and cancellation proceedings all relate to registration of the mark COUNTRY BEST, including Cancellation No. 27,428, Opposition No. 111,206, and Opposition No. 112,993. Moreover, several pending applications have been suspended pending the outcome of the above proceedings, including Walton & Post's application serial number 75/350,634 and application serial number 75/470, 516, as well as Agway's application serial number 75/378,995. Meanwhile, Agway has consented to an extension of time for the Applicant to oppose Agway's published application to register the mark COUNTRY

BEST in application serial number 75/428,424, which was published for opposition on August 12, 1998, six months before this application was published.

The exchange of the newly revised settlement agreements is a significant step toward resolving several key issues between the parties, and they believe they may be able to settle all matters pertaining to the use and registration of the mark COUNTRY BEST within the next few weeks.

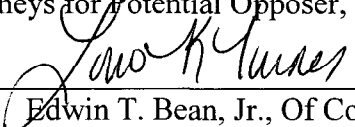
Accordingly, given the foregoing, Agway, the potential opposer, suggests that the additional extension is warranted in order to allow the parties to complete their current negotiations on the draft settlement agreement identified hereinabove, to fully explore the complex settlement issues and to provide them with an opportunity to resolve all the pending cancellation, opposition, and potential opposition proceedings. The addition of further opposition proceedings between the parties is believed to be counterproductive and a waste of the parties' and the Board's resources and time.

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

Dated: August 28, 2002

Respectfully submitted,
HODGSON RUSS LLP
Attorneys for Potential Opposer, Agway

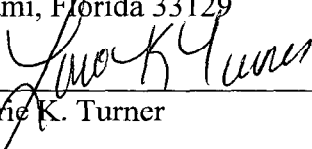
By: _____


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CERTIFICATE OF SERVICE

I, Lorrie K. Turner, hereby certify that a true and correct copy of the foregoing *Agreed Request for Further Extension of Time to File Notice of Opposition* was served on August 28, 2002 by first-class mail in a postage prepaid envelope addressed to:

MALLOY & MALLOY
Andrew W. Ransom, Esq.
Attorneys for Applicant
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Lorrie K. Turner

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