

TTAB

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

GOULDS PUMPS, INCORPORATED,)
)
 Potential Opposer,) Application S.N. 75/829,943
)
 v.) Mark: GP
)
STANDARD MOTOR PRODUCTS, INC.,) Published: JUNE 19, 2001
)
 Applicant.)

AGREED REQUEST FOR EXTENSION OF OPPOSITION PERIOD

NOW COMES Potential Opposer, GOULDS PUMPS, INCORPORATED, by its attorneys, and hereby requests a further two (2) calendar month extension from the present close of the opposition period, **to and including October 4, 2004** (October 2, 2004 being a Saturday), within which to continue to seek to amicably resolve the matter through settlement with the obtaining of a signed Settlement Agreement pertaining to the above identified application for trademark registration for the resolution of this and a number of related application matters, or within which to consider, if necessary, the filing of the opposition petition. The matters at issue involve the resolution of (5) related applications at issue and under potential opposition, so the situation is somewhat added complexity.



08-02-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Counsel for the potential Opposer is providing with this extension an overview of the background on the extensive continuing settlement related efforts associated with this matter and the overall five (5) related applications under potential opposition. However, prior to that discussion, Opposer's counsel wishes to further apprise the Board that since the prior extension, further efforts have continued which have permitted the parties to progress towards settlement. The specific progress that occurred within the last extension period was that Potential Opposer during this time period has prepared a revised draft of the settlement and had a series of follow-up telephone conversations with his client's in-house counsel regarding the preparation and drafting of the proposed settlement agreement for the resolution of this matter. Such further activities include the preparation of a proposed revised draft of the settlement agreement and even a redrafting of that agreement based upon the client's comments. As a result of this a comprehensibly revised draft of a settlement agreement (for this and the related applications) was prepared based upon the factual commercial situation and is now under consideration by Potential Opposer's client for further instructions on finalizing its submission to opposing counsel. It is believed that the draft agreement is within the parameters previously discussed and reviewed among counsel for the acceptable resolution of this matter. Somewhat

of a delay had occurred due to the attorney assigned to the drafting of the settlement papers having emergency surgery and having to take an extended leave from the office, causing a different attorney to be reassigned to progressing on the preparing of settlement papers. However, it appears that counsel for the parties appear to have reached a potential agreement on an overview of settlement parameters for the resolution of this matter, except for the actual language for the possible settlement agreement for the resolution of this matter. To previously further assure progress on this matter, counsel for the potential Opposer scheduled for Opposer's in-house lead intellectual property law counsel to travel to Chicago for, if necessary, a conference call with Applicant's counsel (and possibly as may be necessary with his client) which visit previously occurred in an effort to seek to fully resolve and reach a settlement in principle of this matter and on the related five (5) applications at issue.

The additional time is requested so that the parties may continue to fully resolve this and a number of related matters through reaching a settlement agreement to avoid the need for an opposition proceeding. The parties through counsel have previously been in contact on a number of occasions regarding the considering of the possible settlement of this matter and a

number of related matters. Counsel for the Applicant has voluntarily provided materials and information for the consideration of possible settlement and for reviewing possible settlement parameters to alleviate the need for the possible opposition proceedings. Materials and information were previously provided and had been reviewed by potential Opposer's counsel and his client in considering the possible settlement of this matter and of a series of related trademark applications.

The attorneys for the parties have also on a number of occasions discussed basic parameters for possible settlement and counsel for the parties remain optimistic that this matter could be resolved through settlement, as well as that continued focus at settlement appears to be appropriate at this time. The attorneys representing the parties have also discussed a possible meeting, if necessary, on the potential finalization of the settlement which the parties are considering for the resolution of this application and for a series of related applications, but health issues, as well as other commitments had earlier delayed the possible meeting.

The change of Potential Opposer's counsel from a prior law firm also initially somewhat delayed matters, since it required Potential Opposer's counsel to obtain files and information from

his prior law firm which firm encountered somewhat of a delay in the transmittal of the files causing somewhat of a delay in this matter. However, Potential Opposer's counsel is now in receipt of the files and information which now allows this matter to proceed. Under the circumstances it now appears that the parties are in agreement in principle on basic parameters for settlement, but that additional time will be needed for fully resolving and agreeing on the actual language for the settlement agreement and then for obtaining of signatures on settlement related documents.

Additionally, this matter is somewhat complicated since it involves the resolution of the potential opposition regarding a series of related applications, especially since the parties are seeking a global resolution of this and related matters. A meeting among counsel and other settlement communications needed to be previously delayed due to a continuing very serious medical condition of counsel for the Applicant which involved some recovery time or assistance from additional counsel. However, counsel for the Applicant is continuing to recover from the medical matter to a sufficient extent to allow for the parties to continue to progress on settlement related matters. The Potential Opposer has also specifically noted the specific progress on settlement from the date of the prior extension, since the Board has requested that it be advised of such progress

for considering future extensions. This progress included that counsel for the Potential Opposer has further conferred with his client, in finalizing a revised redraft of the settlement agreement based upon the client's instructions, with the further revised the draft of the agreement prepared based upon additional instructions received. It is believed that this revised draft of the Agreement should be within the settlement parameters previously reviewed and established with counsel for the Applicant. Furthermore, counsel for the parties have had ongoing discussions for settlement. Extraordinary circumstances have unfortunately delayed the potential settlement of this matter (which is somewhat further complicated due to a number of related applications involved) because the Applicant corporation has been acquired and new corporate representatives for the Applicant will also need to approve the settlement. To arrange for the possible settlement of this matter Potential Opposer's counsel has even been instructed within the next extension time period to travel to Florida for a meeting with Applicant's counsel to arrange for the comprehensive resolution of this matter. To allow the parties to hopefully achieve fruition of efforts in resolving this matter a further extension is being requested. Counsel for the parties and their respective clients remain optimistic that suitable proposed parameters are believed to exist for the resolution of this matter. Additional time is needed to allow

time for the consideration of the proposed settlement and to review possible information, consider facts and review a possible resolution of this matter by counsel and their respective clients, as well as for potentially obtaining of signatures on documents.

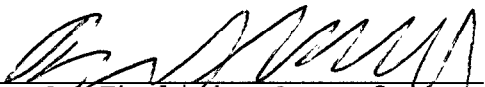
Applicant's counsel has provided prior telephone approval for this extension.

This extension is not for the purpose of delay.

This extension is being submitted in triplicate.

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Respectfully submitted,



Burton S. Ehrlich, One of the
Attorneys for Potential Opposer

(IN TRIPLICATE)

CERTIFICATE OF MAILING


I hereby certify that this paper is being deposited (in triplicate) with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Box TTAB NO FEE; Assistant Commissioner for Trademarks, U.S. Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3513 on this 30th day of July, 2004.



Burton S. Ehrlich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing AGREED REQUEST FOR EXTENSION OF OPPOSITION PERIOD was deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mr. I. Walton Bader, Bader & Bader, 65 Court Street, White Plains, New York 10601-4200, this 30th day of July, 2004.



Burton S. Ehrlich