

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 an additional two (2) calendar month extension from the present close of the opposition period, **to and including December 11, 2005**, within which to continue to seek to amicably fully resolve this matter by securing of a 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, should it become necessary, the filing of the opposition petition.

Since the date of the prior extension a revised draft of the proposed settlement agreement is undergoing review by Applicant's counsel with his client and is believed to be within the prior agreed settlement parameters. In fact, Opposer's counsel was



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advised by Applicant's counsel on the date of the filing of this extension that it was hoped that very shortly this matter could be finalized with settlement completed. A draft of settlement was submitted to Applicant's counsel, with it being presently under consideration for potentially fully resolving this matter.

This extension will hopefully allow for the review of the proposed settlement agreement and the completion of possible related settlement documents, as well as the completion of matters necessary to implement the settlement.

The potential opposition matter and the related opposition matters at issue involve the resolution of an aggregate of (5) related applications at issue and under potential opposition, so the situation has somewhat added complexity beyond the usual scenario involving that of a single application. Furthermore, this matter also appears to involve a relatively recent transfer of entities and a relatively change of counsel for the Applicant or at least the adding of new counsel.

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 further wishes to apprise the Board with an update that since the

prior extension, further efforts have been directed towards permitting the parties to progress towards a settlement of this and the related opposition matters. The specific progress that occurred within the last extension period was that Applicant's counsel during this time period has been in continued efforts towards achieving an acceptable draft of a settlement agreement for the potential resolution of this and related matters and has had ongoing client discussions with regard to this matter. These efforts included the prior review of the proposed parameters for settlement for an overview of the proposed settlement of this and of the related matters. After the initial overview of the potential settlement parameters and providing the description of background information it has been further confirmed among counsel that the parties are prepared to go forward with possible settlement within discussed parameters with Applicant's counsel. Opposer's counsel also had additional follow-up telephone conversations with his client's in-house counsel regarding the revising and the further drafting of the proposed settlement agreement for the resolution of this matter within the discussed parameters of settlement with the other side. Such additional activities include the review of the further proposed revised draft of the settlement agreement for the comprehensive resolution of this matter. As a result of these communications a revised settlement agreement was prepared (for this and the four related applications) and was approved by the client for

submission to Applicant's counsel and was in fact submitted to Applicant's counsel, with it being understood that it is presently under review and consideration by Potential Opposer's client for further instructions on finalizing the settlement. To further advance and resolve this matter there has been telephone conferences with Opposer's counsel and the client's in-house attorney in an effort to fully resolve issues related to the proposed settlement of this matter and the new development in the matter with the change of Applicant's counsel. Potential Opposer's counsel has also discussed the proposed settlement with Applicant's counsel. It is believed that the revised draft, proposed agreement is within the parameters previously discussed and reviewed among counsel for the acceptable resolution of this matter.

Somewhat of a delay had previously 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.

The additional time is requested so that the parties may further continue to seek to fully resolve this and a number of related matters through reaching a settlement agreement to avoid the need for an opposition proceeding and for four related potential oppositions. 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 had 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 the 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 previously 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. Furthermore, there is now new counsel for Applicant and a new party holding the ownership interest in the pending applications. Under the circumstances it now appears that the parties are still 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 prior counsel for the Applicant which involved some recovery time or assistance from additional counsel. However, now with Applicant also having new counsel it should 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 counsel for the Applicant, and that a finalized further follow-up redraft of the settlement agreement based upon the client's instructions, with the further revised the draft of the agreement was earlier prepared and submitted to Applicant's counsel which is currently understood as being under review with Applicant's counsel and his client. 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 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.

Opposer's counsel wishes to further advise that Applicant's counsel in a communication on the date of the filing of this document advised that he would shortly follow-up with his client on settlement and that it was believed that the parties appeared close to fully resolving this and the related potential opposition matters.

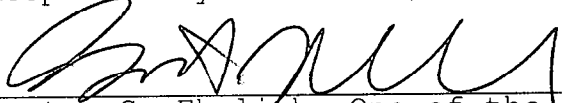
Applicant's counsel has provided prior telephone approval for this extension.

This extension is not for the purpose of delay.

This extension is being submitted in triplicate.

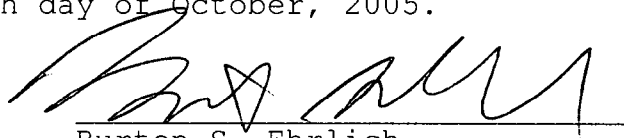
BURTON S. EHRLICH
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, IL 60604
(IN TRIPLICATE)

Respectfully submitted,


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

CERTIFICATE OF MAILING

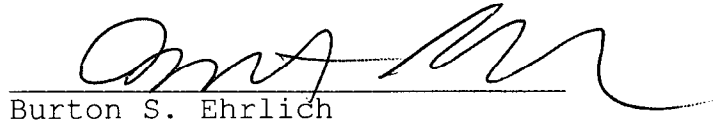
I hereby certify that this paper is being deposited (in triplicate) with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to ATTN: TTAB NO FEE; Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA, VA 22213-1451 on this 11th day of October, 2005.



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. David I. Greenbaum, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations, New York, NY 10017, this 11th day of October, 2005.



Burton S. Ehrlich