



11-13-2001

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #26

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

Applicant: Cheetah Learning LLC
Serial No.: 75/950153
Filing Date: February 28, 2000
Mark: CHEETAH LEARNING

Published in the *Official Gazette* at TM 671
On September 11, 2001

ASSISTANT COMMISSIONER FOR TRADEMARKS
ATTN: BOX TTAB NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

**SECOND REQUEST FOR EXTENSION OF TIME TO FILE
NOTICE OF OPPOSITION**

First Technology Sales, Inc., an Oregon corporation, with a mailing address at One World Trade Center, 121 SW Salmon Street, 11th floor, Portland, OR 97204 (the "Potential Opposer"), hereby requests a second extension of time of thirty (30) days within which to file a Notice of Opposition against the above-identified application, to and including December 10, 2001.

The Applicant and the Potential Opposer have been engaged in active negotiations to enter into a consent agreement whereby each party will consent to the other party's concurrent use of the CHEETAH mark. Applicant has verbally indicated that it is willing to enter into such an agreement and a draft consent agreement has been prepared and delivered to the Applicant. Unfortunately, the Applicant has indicated that it is having some difficulty in getting the proposed consent agreement reviewed by counsel, thus leading to delay.

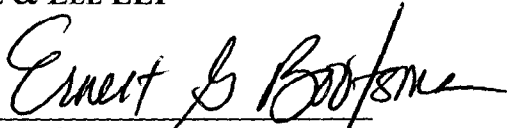
The Potential Opposer believes that the above delay by Applicant's counsel is sufficient reason to justify an additional 30 day extension, in accordance with *Kimberly Clark Corp. v. Paper Converting Indus, Inc.*, 21 USPQ2d 1875 (Comm. PT 1991). The

Potential Opposer intends to file a Notice of Opposition should the parties not enter into a consent agreement and therefore requires the additional 30 day extension to gather additional information and prepare such Notice of Opposition.

This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested. Pursuant to Rule 2.102 (d), this request is submitted in triplicate.

Dated: November 9, 2001.

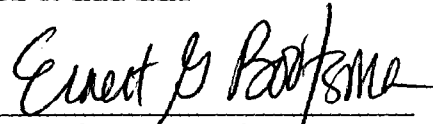
Respectfully submitted,
WHITE & LEE LLP

By: 
Ernest G. Bootsma, Partner
Attorneys for Potential Opposer

CERTIFICATE OF MAILING

I hereby certify that the attached document is being deposited with Federal Express, tracking number **8301 4942 0928** for Overnight Service in an envelope addressed to: ASSISTANT COMMISSIONER FOR TRADEMARKS, ATTN: BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on November 9, 2001.

WHITE & LEE LLP

By: 
Ernest G. Bootsma, Partner
Attorneys for Potential Opposer

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Writer's Direct Dial Number

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November 9, 2001

Via Fed-Ex: 8301 4942 0928

ASSISTANT COMMISSIONER FOR TRADEMARKS
ATTN: BOX TTAB NO FEE
US Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3513

11-13-2001 19:28:57
 11-13-2001 19:28:57

Re: Second Request for Extension of Time to Oppose
Applicant: Cheetah Learning LLC
Serial No.: 75/950153
Filing Date: February 28, 2000
Mark: CHEETAH LEARNING

Dear Sir or Madam:

Enclosed is a Second Request for Extension of Time to Oppose. The above-referenced mark was published September 11, 2001, in the Official Gazette of the Trademark Office, according to TESS, the Trademark Electronic Search System.

Any questions or correspondence relating to this application should be directed to the undersigned of this office at the above Portland address.

Very truly yours,
WHITE & LEE LLP

Ernest G. Bootsma

Enclosure

cc: Michael Barrett

ll