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10-25-2002

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

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

In re Trademark Application of: Mitretek System, Inc.

Serial No: 76/235,489
Filed : April 5, 2001
Published: December 11, 2001
Trademark: MTS MITRETEK SYSTEMS

REQUEST UNDER RULE 2.102 TO EXTEND
TIME FOR FILING NOTICE OF OPPOSITION

BOX TTAB NO FEE
The Assistant Commissioner for
Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

I HEREBY CERTIFY THAT THIS PAPER
IS BEING SENT BY U.S. MAIL, FIRST
CLASS, TO THE ASSISTANT
COMMISSIONER FOR TRADEMARKS
ARLINGTON, VA 22202-3513, THIS

22 DAY OF October 2002
[Signature]
ATTORNEY

RECEIVED
TRADEMARK TRIAL AND APPEAL BOARD
NOV - 4 AM 9:45

Sir:

MTS Systems Corporation, doing business at 14000 Technology Drive, Eden Prairie, MN 55344, by and through its attorney hereby requests that the Trademark Trial and Appeals Board ("Board") grant a seventh Extension of Time for a period of 30 days to and including November 21, 2002, (345 days from publication date), to file a Notice of Opposition in the above-identified matter.

Through its attorney, MTS Systems Corporation has been in contact with the attorney for the applicant MTS Mitretek Systems, Inc. Discussions have centered on areas of use of marks by MTS Systems Corporation and the applicant. On or about July 29, 2002, the undersigned received a proposed revision for the description of services of the above-identified application that included approximately ten service areas that the mark would apply to. The undersigned reviewed these areas with MTS Systems Corporation. Discussions followed with applicant's attorney in which MTS Systems Corporation identified three of the ten areas

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that were a problem. On or about September 18, 2002, applicant provided a revised description of services for the three identified areas.

On September 20, 2002, the undersigned, with the consent of applicant's attorney filed for a thirty day extension of time to oppose in order to review the revised description of services for the three areas. The extension of time was to expire on September 22, 2002.

On September 21, 2002, the Board granted the extension of time until September 22, 2002, but stated that a detailed description of the discussions regarding this matter was required for further extensions of time. This communication was not received by the undersigned's law office until September 26, 2002 and was not noticed by the undersigned until October 21, 2002.

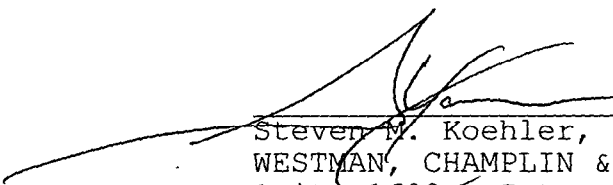
The undersigned has been working with MTS Systems Corporation regarding the three areas and believes that one area still remains a problem. In a conversation with the undersigned and applicant's attorney, the problem area was discussed and applicant's attorney requested evidence of MTS System Corporation's activity in this area. The extension of time is necessary in order to provide evidence of MTS Systems Corporation's activity in this area and to continue discussions for possible settlement.

As stated above, the undersigned was not aware that the Board now require a detailed description of the discussions involving settlement until after the extension of time lapsed on September 22, 2002. From the foregoing, it is submitted that active discussions are on-going and that progress is moving forward toward settlement. It is respectfully requested that if an extension of time to oppose was not granted in the last request to October 22, 2002, that that decision be set aside in view of the requirement of a detailed of description was not received until after the extension of time had lapsed. It is also respectfully requested that this extension of time be granted.

The undersigned has received consent from the applicant's attorney for this extension of time.

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

Respectfully submitted,



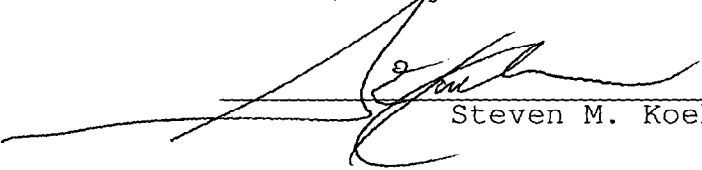
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SMK:jmb
M93.28-0084

Certificate of Service

I hereby certify that a copy of this document is being mailed on September 20, 2002 by first-class mail, postage prepaid to:

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HOLLAND & KNIGHT LLP
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McLean, Virginia 22102-4867



Steven M. Koehler