

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 1, 2002

Applicant: Mitretek Systems, Inc.
Serial No.: 76235489
Filed: 04/05/2001
Mark: MTS MITRETEK SYSTEMS

TRADEMARK TRIAL AND
APPEAL BOARD
02 AUG -9 AM 8:44

JOCELYN WEST BRITTIN
HOLLAND & KNIGHT LLP
3110 FAIRVIEW PARK DRIVE, SUITE 900
FALLS CHURCH, VA 22042

Eric McWilliams, Legal Assistant

Counsel for MTS Systems Corporation, potential opposer herein, has on June 13, 2002 filed a request for a further 60 -day extension of time in which to file an opposition to the above-identified application.

The additional extension of time requested on behalf of potential opposer, if granted, would result in total extensions of time aggregating **240** days from the date of publication of applicant's mark. Trademark Rule 2.102(c), as amended July 15, 1996, provides in part as follows:

. . . extensions of time to file an opposition aggregating more than 120 days from the date of publication of the application will not be granted except upon (1) a written consent or stipulation signed by the applicant or its authorized representative, or (2) a written request by the potential opposer or its authorized representative stating that the applicant or its authorized representative has consented to the request, or (3) a showing of extraordinary circumstances, it being considered that a potential opposer has an adequate alternative remedy by a petition for cancellation.

Inasmuch as the circumstances recited in the instant request are not deemed to be extraordinary in nature, and since there is no indication that applicant has consented thereto, the request is denied. Potential opposer's remedy lies in the filing of a petition for cancellation after applicant's application has matured into registration.

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06-13-2002

U.S. Patent & TMO/TM Mail RptDt #26

IN THE UNITED STATES 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

TRADEMARK TRIAL AND
APPEAL BOARD
02 JUN 19 AM 8:33

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

10 DAY OF June, 2002

[Signature]
ATTORNEY

Sir:

MTS Systems Corporation, doing business at 14000 Technology Drive, Eden Prairie, MN 55344, by and through its attorney hereby requests that the Board grant a fourth Extension of Time for a period of 60 days to and including August 8, 2002, (240 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 MTS Mitretek Systems, Inc. MTS Systems Corporation has provided documentation of their use of their mark as requested by MTS Mitretek Systems, Inc. The undersigned has been informed that the applicant will be proposing a revised Description of Services. The Extension of Time is necessary in order to continue discussions for a possible settlement.

c

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 June 10, 2002 by first-class mail, postage prepaid to:

Ms. Jocelyn West Brittin
HOLLAND & KNIGHT LLP
1600 Tysons Boulevard
Suite 700
McLean, Virginia 22102-4867



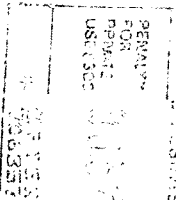
Steven M. Koehler

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76235489

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