09/05/2003 TTAB

09-05-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #73

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

In re Application of: National Packing Corp.	§	International Class: 29
Serial No.: 76/431,043	§	Published: April 8, 2003
Filed: July 12, 2002	§	
Mark: GRANJERO	§	

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

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

Madam:

The undersigned attorney, for and on behalf of prospective Opposer, Foster Poultry Farms, a California corporation having a place of business at 1000 Davis Street, Livingston, California 95334, hereby requests that the Board grant a thirty (30) day extension of time for filing a Notice of Opposition in the above-identified matter pursuant to Section 13 of the Trademark Act of 1946, as amended (15 U.S.C. § 1063), and Trademark Rule 2.102(c).

The opposition deadline is presently set to expire on September 5, 2003. This extension would move the deadline for filing an opposition to October 5, 2003.

The parties are currently discussing a possible resolution of this matter, which may avoid the need for an opposition. Applicant has advised the prospective Opposer via telephone on July

7, 2003 that it stipulates to this extension of time. It is believed that this constitutes good cause for the request. Therefore, the Board is urged to extend the opposition deadline to October 5, 2003.

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

Respectfully submitted,

Date: September 3, 2003

Katherine M. Basile
Cynthia R. Adwere
HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025
(650) 463-8100

ATTORNEYS FOR POTENTIAL OPPOSER,
FOSTER POULTRY FARMS

CERTIFICATE OF EXPRESS MAIL

NUMBER: EV2008885953US

DATE OF DEPOSIT: September 3, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Trademarks, Box TTAB – NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

Rhoda Chen Lin

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Second Stipulated Request for Extension of Time to File Notice of Opposition was served on Mr. Myron Amer, Myron Amer, P.C., 114 Old Country Road, Suite 310, Mineola, NY 11501, via U.S. Postal Service with sufficient postage as First Class Mail, this 3rd day of September 2003.

Rhoda Chen Lin

TTAB

[redacted]

HOWREY SIMON ARNOLD & WHITE HOWREY LLP ATTORNEYS AT LAW

09-05-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #73

301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE 650.463.8100
FAX 650.463.8400
A LIMITED LIABILITY PARTNERSHIP

Writer's Dial:
650.463.8244
adwerec@howrey.com

FILE: 02642.0113.000000

September 3, 2003

Via Express Mail No.: EV200888595US

Commissioner for Trademarks
Box TTAB NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

RE: *Second Stipulated Request for Extension of Time to File Notice of Opposition*
Mark: GRANJERO
Serial No.: 76/431,043
Filing Date: July 12, 2002
Publication Date: April 8, 2003
Applicant: National Packing Corp.
Potential Opposer: Foster Poultry Farms
File No.: 02642.0113.000000

Dear Madam:

Enclosed for filing are:

1. This letter (in triplicate),
2. Second Stipulated Request for Extension of Time to File Notice of Opposition (in triplicate),
3. A self-addressed stamped postcard to evidence receipt of this Second Stipulated Request for Extension of Time File Opposition.

The Commissioner for Trademarks is hereby authorized to draw on the deposit account No. 08-3038, Order No. 02642.0113.000000/Cynthia R. Adwere for any necessary fees.

Please return the enclosed postcard to evidence receipt of the Second Stipulated Request for Extension of Time to File Notice of Opposition.

Very truly yours,

Cynthia R. Adwere

Enclosures

cc: Peggy Cole, Foster Poultry Farms