

TRADEMARK

Attorney Docket No. G26,581

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

In re application of: **Schur In-Process Handels Verwaltungs Gmbh
Federal Republic of Germany**

Mark: **DELTA-BIOSCIENCE**

Serial No.: **78-040,442**

Filed: **December 22, 2000**

Publication Date: **November 19, 2002**



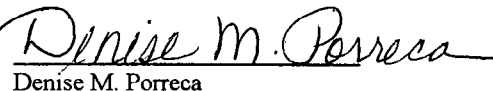
03-15-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV399609447US addressed to Mail Stop TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on March 15, 2004

Dated: March 15, 2004


Denise M. Porreca

Mail Stop TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

**STIPULATED REQUEST FOR FURTHER
EXTENSION OF TIME TO RESPOND TO OPPOSITION**

Dear Sir:

In the matter of the above-identified trademark application, which was published in the Official Gazette on **November 19, 2002** at **pages 207-208** (copy enclosed), Delta Biotechnology Ltd., by and through its attorneys, hereby requests that the time within which to file an opposition be extended for an additional period of sixty (60) days, to and including **May 14, 2004**.

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The Trademark Trial and Appeal Board in its correspondence dated July 23, 2003 has required a detailed explanation to warrant the granting of a further extension. The potential Opposer's European counsel has advised that the additional time period is required for potential opposer and applicant to conclude negotiations of a settlement agreement, which encompasses use and registration of the mark in the present application worldwide. The potential Opposer's European counsel and Applicant's U.S. counsel advised the undersigned last week that the most recent draft of the settlement agreement, presented by the potential Opposer's European counsel, has been favorably reviewed by the Applicant. The parties will endeavor to execute the settlement agreement before May 14, 2004.

Peter M. Ferrell III, counsel for Applicant, indicated Applicant's consent to this Request for Extension via email to counsel for Opposer, Bryna Silver on March 11, 2004.

The required Certificate of Service is enclosed.

No fees are required in connection with this Request.

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

Respectfully submitted,

Date

March 15, 2004

Bryna Silver

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In re application of: **Schur In-Process Handels Verwaltungs GmbH
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CERTIFICATE OF SERVICE

I, Denise M. Porreca, hereby certify that on the date set forth below I caused to be served a true and correct copy of the foregoing **Stipulated Request for Extension of Time to File a Notice of Opposition** via First Class Mail upon the following:

Peter M. Ferrell III, Esquire
Eileen T. Brown Associates LLC
Trademark Management Services
90 Crystal Run Road, Suite 401
Middletown, NY 10941

Dated: March 15, 2004

Denise M. Porreca
Denise M. Porreca, Paralegal
Synnestvedt and Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

CLASS 42—SCIENTIFIC, COMPUTER AND LEGAL SERVICES

FOR COMPUTER CONSULTATION SERVICES IN THE FIELDS OF COMPUTER SYSTEMS INTEGRATION, ENTERPRISE INFORMATION TECHNOLOGY AND INTEGRATED WIRELESS SOLUTIONS; COMPUTER SERVICES, NAMELY, DESIGNING AND IMPLEMENTING WEBSITES, E-COMMERCE SYSTEMS, BROAD-BAND TECHNOLOGY, ENTERPRISE INFORMATION TECHNOLOGY AND INTEGRATED WIRELESS SOLUTIONS SYSTEMS FOR OTHERS; COMPUTER NETWORK AND SYSTEMS ENGINEERING; DESIGNING AND IMPLEMENTING WEB-ENABLED CUSTOMER RELATIONSHIP MANAGEMENT SYSTEMS FOR OTHERS; CUSTOM COMPUTER SOFTWARE DESIGN AND DEVELOPMENT SERVICES FOR OTHERS; DESIGN AND INTEGRATION OF TELECOMMUNICATIONS SYSTEMS FOR OTHERS; DESIGN AND INTEGRATION OF COMPUTER SYSTEMS AND NETWORKS FOR OTHERS; WEBSITE DESIGN AND DEVELOPMENT SERVICES FOR OTHERS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS PERFORMED IN PERSON, BY TELEPHONE, BY ELECTRONIC MAIL, AND VIA POSTINGS ON THE GLOBAL COMPUTER NETWORK; COMPUTER SOFTWARE INSTALLATION AND MAINTENANCE; PROVIDING CONSULTATION ON THE USE, INTEGRATION AND OPERATION OF COMPUTER SOFTWARE PROGRAMS AND THE UPDATING OF COMPUTER SOFTWARE PROGRAMS (U.S. CLS. 100 AND 101).
FIRST USE 10-15-1999; IN COMMERCE 10-15-1999.

SN 78-040,442. SCHUR IN-PROCESS HANDELS VERWALTUNGS GMBH, MONCHENGLADBACH, FED REP GERMANY, FILED 12-22-2000.

DELTA-BIOSCIENCE

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED REP GERMANY APPLICATION NO. 30047159.9, FILED 6-23-2000, REG. NO. 30047159, DATED 8-14-2000, EXPIRES 6-30-2010.

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED REP GERMANY APPLICATION NO. 30047159.9, FILED 6-23-2000, REG. NO. 300471599, DATED 8-14-2000, EXPIRES 6-30-2010.

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SN 78-039,699. COMPAGNIE PLASTIC OMNIUM, LYON, FRANCE, FILED 12-18-2000.

3PFLOX

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 001713049, FILED 6-19-2000, REG. NO. 001713049, DATED 6-19-2000, EXPIRES 6-19-2010.

CLASS 1—CHEMICALS

FOR UNPROCESSED FLUOROCARBON RESINS FOR USE IN MANUFACTURE; UNPROCESSED PLASTICS FOR USE IN MANUFACTURE; AND UNPROCESSED SYNTHETIC RESINS FOR USE IN MANUFACTURE (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

CLASS 17—RUBBER GOODS

FOR MOLDED OR EXTRUDED SEMI-FINISHED PRODUCTS MADE OF SYNTHETIC RESINS, NAMELY, SHEETS, RODS, BANDS, TUBES, PIPES, ELBOWS, COUPLINGS, JOINTS, GASKETS, ELBOWS, TEES, FLANGES, SPACERS, CROSSES, BRANCHES, WEDGES, INSTRUMENTATION: PLUGS, BELLOWS AND EXPANSION EQUALIZERS, PLUNGERS, AND COLLARS; SYNTHETIC RESIN FOR COATING MECHANICAL PARTS AND LABORATORY AND INDUSTRIAL EQUIPMENT; AND SYNTHETIC RESIN SEALING PARTS—NAMELY, JOINTS, BANDS, TAPES FOR THREADINGS, FILMS, WICKS, FABRICS, WASHERS, RINGS, PACKINGS AND LININGS (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

CLASS 1—CHEMICALS

FOR CHEMICALS USED IN THE MANUFACTURE OF FOOD BY THE FOOD PREPARATION INDUSTRY FOR THE PURPOSE OF PRESERVING FOOD AND FOR REDUCING PATHOGENS IN FOOD, MADE WITH NATURAL AND ARTIFICIAL FLAVORS, AND FOR USE IN ANY ENVIRONMENTS OF FOOD PRODUCTION OR LIVESTOCK REARING AREAS IN WHICH A REDUCTION OF PATHOGENS IS DESIRED OR REQUIRED; CHEMICAL COMPOUNDS, NAMELY DISINFECTING CHEMICALS MADE WITH NATURAL AND ARTIFICIAL FLAVORS WHICH REDUCE PATHOGENS IN THE ROOM AND AMBIENT AIR (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

CLASS 5—PHARMACEUTICALS

FOR PHARMACEUTICAL AND VETERINARY PREPARATIONS, NAMELY ANTI-MICROBIAL, ANTI-BACTERIAL AND VIRUCIDAL DECONTAMINANTS IN SOLUBLE POWDER, LIQUID OR SALVE FORM FOR ALL-PURPOSE DISINFECTION AND PROMOTION OF SANITARY REGENERATION OF HUMAN AND ANIMAL TISSUE BY ELIMINATION OR REDUCTION OF PATHOGENS AND THEIR RESULTANT TOXINS; ANTI-BIOTICS; CYTOSTATIC AGENTS FOR USE IN THE TREATMENT OF CANCER; AGENTS FOR THE TREATMENT OF OVERWEIGHT, NAMELY ADENOVIRUCIDE; PHARMACEUTICALS FOR THE TREATMENT OF THE FOLLOWING CONDITIONS— RHEUMATISM, DERMATOSIS, GASTRITIS, GASTROINTESTINAL DISEASES, BRONCHIAL DISEASES, DEPRESSIONS, ARTHRITIS, MUCOSAL DISEASES, IMPOTENCE, DEFECTIVE CONCENTRATION, PSYCHIC DISORDERS, MIGRAINE, DISTURBED SLEEP SYMPTOMS SUCH AS VEGETATIVE SYMPTOMS, GASTRO-INTESTINAL SYMPTOMS, ALLERGIES AND SKIN DISEASES, JOINT DISEASES, GENITAL AND HORMONAL DISORDERS, INFECTIONS, CANCERS, AND IMMUNODEFICIENCY; AND INHALATION AGENTS FOR THE TREATMENT OF DISEASES OF THE RESPIRATORY TRACT; ALL-PURPOSE DISINFECTANTS; GENERAL PURPOSE GERMICIDES; PREPARATIONS FOR DESTROYING VERMIN; FUNGICIDES FOR DOMESTIC AND AGRICULTURAL USE; HERBICIDES FOR AGRICULTURAL AND DOMESTIC USE; SANITARY PREPARATIONS, NAMELY DISINFECTING AND DEODORIZING LIQUIDS AND SPRAYS CONTAINING CHEMICAL COMPOUNDS MADE WITH NATURAL AND ARTIFICIAL FLAVORS WHICH PROVIDE HYGIENIC AND MEDICAL CARE BY REDUCING PATHOGENS IN THE ROOM AND AMBIENT AIR AND IN ALL OTHER ENVIRONMENTS IN WHICH A REDUCTION OF PATHOGENS IS DESIRED AND/OR REQUIRED (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

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CLASS 9—ELECTRICAL AND SCIENTIFIC APPARATUS

FOR SCIENTIFIC, MEASURING, SIGNALING AND MONITORING INSTRUMENTS, NAMELY MICROSCOPES, SPECTROGRAPHS, CHROMATOGRAPHS, ELECTRONIC SENSORS AND COMPUTERS FOR DETECTING AND MONITORING PATHOGEN LEVELS IN FOODS OR IN AIR; SCIENTIFIC, MEASURING, SIGNALING AND MONITORING INSTRUMENTS NAMELY ATOMIZERS, NEBULIZERS AND EVAPORATORS WITH ELECTRONIC CONTROLS SPECIFICALLY CALIBRATED AND ADJUSTED FOR CONTROLLING LEVELS OF APPLICATION TO FOODS AND DISPERSION INTO THE AIR OF ANTIBACTERIAL, ANTIMICROBIAL AND VIRUCIDAL PREPARATIONS BY AERATION DEVICES; COMPUTER SOFTWARE FOR DEMONSTRATION OF THE USE AND OPERATION OF THE ABOVE MENTIONED PRODUCTS; COMPUTER SOFTWARE TO DETECT AND IDENTIFY BACTERIA AND MICROBES AND ADJUST LEVELS OF APPLICATION OR DISPERSION OF ANTIBACTERIAL, ANTIMICROBIAL AND VIRUCIDAL PREPARATIONS FOR PERISHABLE PRODUCTS IN THE FOODS, COSMETICS, MICROBIOLOGICALLY PERISHABLE PRODUCTS AND PLANT PROTECTION FIELDS, AND IN THE HUMAN MEDICAL AND VETERINARY FIELDS; AND COMPUTER GAME SOFTWARE FOR ENTERTAINMENT AND FOR THE EDUCATION OF USERS OR CONSUMERS OF ANTIBACTERIAL, ANTIMICROBIAL AND VIRUCIDAL PREPARATIONS (U.S. CLS. 21, 23, 26, 36 AND 38).

CLASS 11—ENVIRONMENTAL CONTROL APPARATUS

FOR ELECTRIC AND MECHANICAL AERATION DEVICES, NAMELY ATOMIZERS, NEBULIZERS NOT FOR MEDICAL USE, AND EVAPORATORS FOR AGRICULTURAL, DOMESTIC, INDUSTRIAL AND COMMERCIAL USE FOR INTRODUCING ACTIVE SUBSTANCES INTO THE ROOM AND AMBIENT AIR BY SPRAYING, NEBULIZATION AND EVAPORATION (U.S. CLS. 13, 21, 23, 31 AND 34).

CLASS 30—STAPLE FOODS

FOR NATURAL FLAVORS, NAMELY FOOD FLAVORINGS, BEING NON-ESSENTIAL OILS; FLAVORING ADDITIVES FOR NON-NUTRITIONAL PURPOSES; MALT EXTRACTS USED AS FLAVORING; AND FLAVORING SYRUPS (U.S. CL. 46).

CLASS 42—SCIENTIFIC, COMPUTER AND LEGAL SERVICES

FOR MEDICAL CARE, NAMELY MEDICAL COUNSELING AND MEDICAL CLINICS; COMPUTER PROGRAMMING FOR OTHERS, WITH SAID COMPUTER PROGRAMS PRIMARILY CREATED FOR USE WITH DISINFECTION AND IDENTIFICATION OF GERMS, AND FOR CONTROLLING TECHNICAL EQUIPMENT FOR INTRODUCING ACTIVE SUBSTANCES IN THE ROOM AND AMBIENT AIR, FOR DOSING CHEMICALS USED IN FOOD AND MEDICAL INDUSTRY AND THE CHEMICALS USED FOR THE FRESH-KEEPING AND PRESERVING OF FOODS, AND FOR IDENTIFICATION OF CONSUMERS OF DISINFECTED PERISHABLE PRODUCTS (U.S. CLS. 100 AND 101).

SN 78-041,380. INSTITUTE OF SPORT MANAGEMENT PTY LTD, ARTARMON NEW SOUTH WALES, AUSTRALIA. FILED 1-2-2001.



PRIORITY CLAIMED UNDER SEC. 44(D) ON AUSTRALIA APPLICATION NO. 841963, FILED 7-10-2000, REG. NO. 841963, DATED 7-10-2000, EXPIRES 7-10-2010.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSTITUTE OF SPORT MANAGEMENT", APART FROM THE MARK AS SHOWN.

CLASS 35—ADVERTISING AND BUSINESS

FOR BUSINESS MANAGEMENT AND CONSULTATION SERVICES IN THE FIELD OF SPORTS MANAGEMENT; PROVIDING A WEBSITE FEATURING NEWS INFORMATION IN THE FIELD OF SPORTS MANAGEMENT (U.S. CLS. 100, 101 AND 102).

CLASS 38—COMMUNICATION

FOR PROVIDING ON-LINE CHAT ROOMS AND FORA FOR COMPUTER USERS CONCERNING THE FIELD OF SPORTS MANAGEMENT (U.S. CLS. 100, 101 AND 104).

CLASS 41—EDUCATION AND ENTERTAINMENT

FOR EDUCATIONAL SERVICES, NAMELY, CONDUCTING AND ACCREDITING CLASSES, SEMINARS, CONFERENCES AND WORKSHOPS IN THE FIELD OF SPORTS MANAGEMENT AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH; PROVIDING INFORMATION AND ASSISTANCE IN RELATION TO INTERNATIONAL TRAINING AND SCHOLARSHIP PROGRAMS IN THE FIELD OF SPORTS MANAGEMENT (U.S. CLS. 100, 101 AND 107).

CLASS 42—SCIENTIFIC, COMPUTER AND LEGAL SERVICES

FOR SPONSORING, DEVELOPING AND CARRYING OUT EXCHANGE PROGRAMS FOR STUDENTS AND MANAGERS IN THE FIELD OF SPORTS MANAGEMENT (U.S. CLS. 100 AND 101).

SN 78-044,070. COMMUNIK(K), INC., PORTLAND, OR. FILED 1-19-2001.

STORYWARE

CLASS 35—ADVERTISING AND BUSINESS

FOR PROVIDING DATABASES IN THE FIELD OF BUSINESS ADVERTISING, BUSINESS MARKETING AND CORPORATE COMMUNICATIONS (U.S. CLS. 100, 101 AND 102).

CLASS LEGAL

FOR COMPUTING NETWORKING, INFORMATION MARKETING, OWNERSHIP RIGHTS, SELECTED DATA APPLICATIONS, SOFTWARE, COMMUNICATIONS (U.S. CLS. 100, 101 AND 102).

SN 78-04 SWITZ

CLASS

FOR HORTICULTURAL PESTICIDES AND 52)

CLASS DUCTS

FOR DUCTS.

SN 78-0 VILLE

CLASS APPARATUS

FOR THE FINANCIAL SERVICES / COMPUTING SOFTWARE, CERTAIN ASSETS (U.S. CLS. 100, 101 AND 102).

CLASS LEGAL

FOR COMPUTING SERVICES, MAPPING, GEOGRAPHY, PHYSICS, PROVISION (U.S. CLS. 100, 101 AND 102).