

TTAB

03-25-2002

U.S. Patent & TMO/c/TM Mail Ropt Dt. #61

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

In the matter of
Trademark Application Serial No. 74/410,846
Mark: INTUITY

INTUIT INC.)	
)	
)	
)	
vs.)	Opposition No. 94,134
)	
AVAYA INC.)	
(by assignment from Lucent Technologies, Inc.))	
)	
Applicant.)	

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

Express Mail mailing label No. <u>EL954408115US</u>
Date of Deposit <u>3/25/02</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademark, 2900 Crystal Dr., Arlington, VA 22202-3513.
<u>Phyllis O'Sullivan</u> (Type or Print Name of Person Mailing Paper or Fee)
<u>Phyllis O'Sullivan</u> (Signature of Person Mailing Paper or Fee)

STIPULATED MOTION TO EXTEND AND RESET
TESTIMONY PERIODS

Sir:

Opposer, INTUIT INC., by and through its attorneys, hereby moves the Trademark Trial and Appeal Board for an order that the discovery and testimony periods set in the above-entitled matter be extended for a period of thirty (30) days and reset as follows:

Testimony period for party in position of plaintiff to close (opening 30 days prior thereto)

April 24, 2002

Testimony period for party in position
of defendant to close (opening 30 days
prior thereto)

June 23, 2002

Rebuttal testimony period to close
(opening 15 days prior thereto)

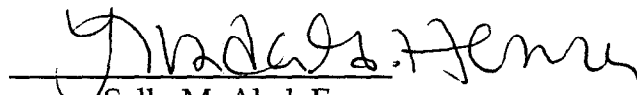
August 7, 2002

This request is made in good faith and not for the purpose of unduly delaying proceedings in the Patent and Trademark Office. The parties have executed a Settlement Agreement dated January 22, 2002 that would obviate the need for a formal opposition proceeding. In such Settlement Agreement, the parties have agreed to extensions of time in this opposition proceeding to allow the Patent and Trademark Office sufficient time to review and rule on Applicant's Motion to Amend the Identification of Goods, filed in compliance with the terms of the Settlement Agreement. Additional time is necessary for the Patent and Trademark Office to do so, before Opposer can withdraw the opposition.

This motion is being submitted in triplicate.

Respectfully submitted,

Dated: March 25, 2002



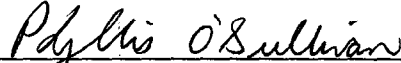
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Linda G. Henry, Esq.
Attorney for Opposer
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(650) 494-1417

PROOF OF SERVICE BY MAIL

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is Two Palo Alto Square, Palo Alto, CA 94306. On the date set forth below, I served the following: **STIPULATED MOTION TO EXTEND AND RESET TESTIMONY PERIODS** on the interested parties in this action by placing a copy thereof in a sealed envelope and placing the envelope for collection and mailing at the above address, following ordinary business practices, addressed as follows:

Joan T. Pinaire
Avaya Inc.
Corporate Counsel
Trademarks & Copyrights
211 Mount Airy Road
Basking Ridge, New Jersey 07920

I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service. This correspondence would be deposited with the U.S. Postal Service this same day in the ordinary course of business. I declare under the penalties of perjury that the above is true and correct, and that this declaration was executed at Palo Alto, California this 25th day of March 2002.



Phyllis O'Sullivan