



TTAB

10-05-2001

U.S. Patent & TMO/TM Mail Rcpt Dt 471

DMIG.41T

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

Don Miguel Mexican Foods, Inc., )

Opposer, )

v. )

Lisy Corporation )

Applicant. )

Opposition No. 102,937

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Box TTAB, No Fee, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on

October 2, 2001  
(Date of Deposit)

John C. Lambertsen, Reg. No. 29,400  
Name of Applicant, assignee or Registered Representative

Signature

October 2, 2001  
Date of Signature

UNOPPOSED MOTION TO EXTEND TRIAL DATES

Don Miguel Mexican Foods, Inc., Opposer in the above-identified opposition proceedings, hereby requests an extension of the time periods set by the Board in its Scheduling Order of June 27, 2001, as modified by previous motions to extend, so that the periods for discovery and testimony are re-set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: December 3, 2001

Testimony period for party in position of plaintiff to close (opening thirty days prior thereto) March 4, 2002

Testimony period for party in position of defendant to close (opening thirty days prior thereto) April 4, 2002

Rebuttal testimony period to close (opening fifteen days prior thereto) June 12, 2002

MS

**Opposition No.: 102,937**  
**UNOPPOSED MOTION TO EXTEND TRIAL DATES**

As noted in the previous requests to extend, counsels for Opposer and Applicant have exchanged many revised settlement agreement documents, and have reached an agreement in principal that has Applicant moving to a replacement mark. Since that date, discussions have focused on one category of commercial food products, "snacks" and differences have arisen in regard to how that term is to be interpreted. Opposer's counsel has suggested eliminating it entirely from the written Agreement, and has sent Applicant's counsel a letter outlining its argument for such elimination.

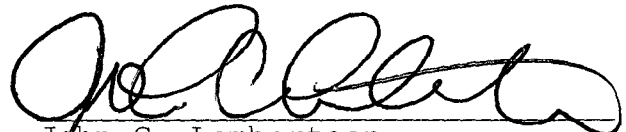
Applicant's counsel travels a good deal, and was in Washington, D.C., on September 11. The travel delays resulting from the terrorists' activities caused further delay in counsel's business commitments. Applicant's counsel plans on traveling to Miami, Florida, on or about October 27, and will have an opportunity to discuss these few remaining issues with Applicant's management at that time. This extension request is not for the mere purpose of delay.

The present request to extend the discovery and trial dates was and consented to by Eduardo Roy, counsel for Applicant Lisy Corporation, during a telephone conversation on or about September 25, 2001.

Favorable consideration by the Board regarding this unopposed motion is respectfully requested.

Dated: October 2, 2001

By:



John C. Lambertsen  
Registration No. 29,400  
1771 E. Flamingo Road, Ste 211B  
Las Vegas, Nevada 89119  
(702) 796-3476  
Attorney for Opposer

Opposition No.: 102,937

UNOPPOSED MOTION TO EXTEND TRIAL DATES

CERTIFICATE OF SERVICE

I, John C. Lambertsen, certify that a copy of the foregoing UNOPPOSED MOTION TO EXTEND TRIAL DATES, was personally served on Eduardo G. Roy, Esq., ARTER & HADDEN, LLP, Two Embarcadero Center, 5th Floor, San Francisco, CA 94111-3824, via First Class Mail, postage pre-paid, this 2nd day of October, 2001.

  
John C. Lambertsen

DMIGUEL41T.DISCEXTND3Oct-01