

TTAB



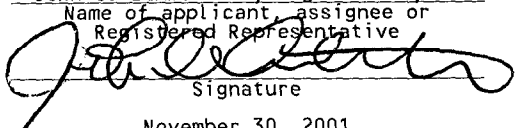
12-04-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #76

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
November 30, 2001
(Date of Deposit)
John C. Lambertsen, Reg. No. 29,400
Name of applicant, assignee or Registered Representative

Signature
November 30, 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: January 17, 2002
- Testimony period for party in position of plaintiff to close (opening thirty days prior thereto) April 18, 2002
- Testimony period for party in position of defendant to close (opening thirty days prior thereto) May 20, 2002
- Rebuttal testimony period to close (opening fifteen days prior thereto) July 26, 2002

M6

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. Applicant's counsel has suggested a listing of certain snack products, to be approved by Opposer, and included in the Agreement. Applicant's counsel is working with Applicant's management to prepare such a snack listing.

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 November 29, 2001.

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

Dated: November 30, 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 30~~th~~ day of November, 2001.



John C. Lambertsen

DMIGUEL41T.DISCEXTND4Nov-01