



10-03-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #58

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

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HAVANA CLUB HOLDING S.A.,	:		
Opposer,	:	Consolidated	
	:	Oppositions Nos.	
vs.	:	116,606, 120,531	
	:	<u>& 120,533</u>	
HAVANA COLA INC.,	:		
Applicant.	:		
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TRADEMARK TRIAL AND
APPEAL BOARD

Attention: Angela Lykos, Esq.
 Interlocutory Attorney

OPPOSER'S MOTION TO EXTEND ALL TESTIMONY PERIODS

Opposer, by its undersigned counsel of record in the above-captioned Opposition proceeding, hereby requests that the Board enter an

ORDER, extending Opposer's testimony periods, and all subsequent testimony periods, for sixty (60) days.

Opposer's Brief in Support of Motion

This relief is requested in order to give the parties and their attorneys sufficient time to negotiate and amicably resolve their remaining differences regarding Opposer's responses to Applicant's first sets of written

interrogatories and document production requests.

Earlier this year, Opposer responded to Applicant's requests to the best of its ability at that time, due to fact that its files and records are in three different places: Havana, Cuba, Luxembourg and Paris, France. Applicant was not satisfied with the completeness of Opposer's response, and moved the Board for an Order compelling Opposer to respond to all of its requests.

On June 20, 2002, the Board denied Applicant's motion. Immediately after receiving the Board's decision, the undersigned contacted Opposer and requested that it begin working immediately on locating and transmitting to him all of the information and documents requested by Applicant that Opposer had been unable to supply in its first set of responses, and to which objections had not been raised.

Applicant's Attorney sent the undersigned a letter on July 22, 2002 suggesting that they confer for the purpose of identifying all remaining areas of disagreement over Opposer's responses. The letter was received while the undersigned was on vacation, and appears to have been misfiled during his absence. It was discovered by him only yesterday, in a part of the case file in which it did not belong. The undersigned placed a telephone call to the

Attorney for the Applicant this morning, only to find that he is not in the office today.

The undersigned left a voice mail message in which he apologized for the misfiling of Applicant's Attorney's letter of July 22; accepted the proposal therein to cooperate in good faith to expedite the transmittal to Applicant of all information and documents that Opposer can uncover that are responsive to Applicant's requests, and to which objections were not made. The undersigned also agreed to work with Mr. Hiebert in a good faith effort to reformulate Applicant's requests to which objections were made so that responses can be made to them. In Applicant's Attorney's absence, the undersigned was not able to request Applicant's consent to the within motion.

In the event that the Board grants this motion, the parties' respective testimony periods would be reset as follows:

- Opposer's Testimony Period to Close: November 30, 2002
- Applicant's Testimony Period to Close: January 29, 2003
- Rebuttal Testimony Period to Close: March 15, 2003

WHEREFORE, Opposer respectfully submits that it has

shown good cause for the relief it requests herein, and prays that its motion be granted in all respects, or that the parties hereto be granted any other, different or additional relief as the Board, in the sound exercise of its discretion, deems to be necessary, just or equitable.

Respectfully submitted,
GRAHAM, CAMPAIGN P.C.

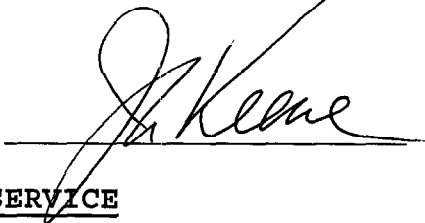
By: 

John M. Keene

Dated: New York, New York
October 1, 2002

CERTIFICATE OF FILING

I hereby certify that the foregoing OPPOSER'S MOTION TO EXTEND ALL TESTIMONY PERIODS is being deposited with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, BOX TTAB - NO FEE, 2900 Crystal Drive, Arlington, VA 2202-3513, and by depositing same with the U.S. Postal Service, on this 1st day of October, 2002.



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing OPPOSER'S MOTION TO EXTEND ALL TESTIMONY PERIODS is being served on the Attorneys for the Applicant by placing same in an envelope, sufficient First Class postage affixed, addressed to Timothy H. Hiebert, Esq., Samuels, Gauthier & Stevens LLP, 225 Franklin Street, Suite 3300, Boston, MA 02110, and by depositing same with the U.S. Postal Service on this 1st day of October, 2002.

