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05-19-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #26

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, :

vs. : Consolidated Oppositions

: Nos. 116,606, 120,531

: and 120,533

HAVANA COLA INC. :

Applicant. :

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03 JUN -7 AM 9:30

To: The Honorable Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Attention: Albert Zervas, Esq.
Interlocutory Attorney

CONSENTED MOTION TO EXTEND TIME
IN WHICH OPPOSER MUST SERVE ITS
RESPONSES TO DISCOVERY REQUESTS
FOR TEN (10) DAYS

Opposer, by its undersigned counsel of record in the above-captioned consolidated opposition proceedings, with the consent of Timothy H. Hiebert, Esq., the counsel of record for the Applicant, obtained in an email sent to the undersigned on even date herewith, hereby moves the Board for an

ORDER, extending for ten (10) days the deadline of May

15, 2003 for serving responses to Applicant's outstanding discovery requests, as set forth in the Board's Order mailed on March 31, 2003.

The reason for this request is that since May 5, 2003, the parties have been negotiating an amicable settlement agreement. Most major issues pertinent thereto were believed by the undersigned to have been successfully resolved. Accordingly, I faxed a two-page letter setting forth the terms and conditions of the proposed agreement to Mr. Hiebert this morning. The additional time is needed to allow the Applicant and its counsel sufficient time to consider whether to accept the agreement as faxed this morning, and if so, to authorize Mr. Hiebert to execute it on their behalf, or to insist on changes to it that they requested this afternoon, and which Opposer rejected. This request is not made for the purpose of delay.

WHEREFORE, Opposer respectfully requests that this consented motion be granted in all respects.

Respectfully submitted,

GRAHAM, CAMPAIGN P.C.

By: 

John M. Keene
Of Attorneys for Opposer

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Dated: New York, New York
May 15, 2003

CERTIFICATE OF FILING

I hereby certify that the foregoing CONSENTED MOTION was filed by placing the same in an envelope with sufficient First Class postage affixed, addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, Attention: Albert Zervas, Esq., Interlocutory Attorney/Trademark Trial and Appeal Board, and by depositing same with the U.S. Postal Service on this 15th day of May, 2003.



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing CONSENTED MOTION was served on the Attorney for the Applicant by placing same in an envelope bearing sufficient First Class postage, directed to him as follows: 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 15th day of May, 2003.


