

TTAB

200-820



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



07-16-2001

U.S. Patent & TMO/TM Mail RptDt. #34

Societe des Produits Nestle, S.A.,	
Opposer	
v.	
Amgen, Inc.	Applicant.

Opposition No.: 119,845

TRADEMARK TRIAL AND APPEAL BOARD
01 JUL 23 9:52

MOTION FOR EXTENSION OF DISCOVERY AND TESTIMONY PERIODS

Opposer, by its attorney, hereby requests a sixty (60) day extension of the discovery period up to and including **September 22, 2001** with corresponding testimony periods extended accordingly.

As grounds in support of this Request for Extension of Time, the undersigned asserts that it has been in contact with counsel for Applicant with the hope that a negotiated settlement can avoid the necessity of proceeding with the opposition. Additional time is needed to determine whether settlement is possible.

In addition to the forgoing, the undersigned filed on January 11, 2001, a Request for Reconsideration of the TTAB's December 28, 2000 ruling to the effect that the Notice of Opposition would not be instituted against application serial no. 75/711,695 but only against serial no. 75/711,693. Opposer, on January 11, 2001, requested reconsideration of that

ap

NOTICE OF OPPOSITION
75/711,693 NESPO
75/711,695 NESPOGEN

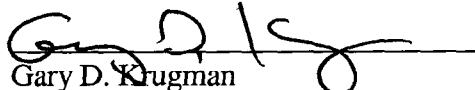
December 28, 2000 ruling but has not received any indication from the Board of any action on the request. Therefore, Opposer does not know whether the Opposition will proceed against both applications or whether the opposition will be limited to application serial no. 75/711,693. This will obviously effect the scope of discovery in the event that this case must go forward.

For the forgoing reasons, it is respectfully requested that this Extension of Time be granted and that the discovery and testimony periods be extended as requested above.

Respectfully submitted,

SOCIETE DES PRODUITS NESTLE, S.A.

By:


Gary D. Krugman
Attorney for Opposer

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Date: July 16, 2001

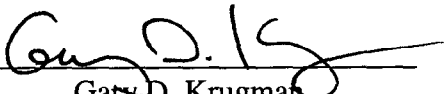
cc: Robert Sanders, Esq.

CERTIFICATE OF SERVICE

I, Gary D. Krugman, hereby certify that on this 16th day of July, 2001, a true copy of the foregoing **MOTION FOR EXTENSION OF DISCOVERY AND TESTIMONY PERIODS** was sent, postage pre-paid, via first class mail to:

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