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

SALLY BEAUTY HOLDINGS, INC.

OPPOSER,

v.

WESTWOOD DEVELOPMENT, INC.,

APPLICANT.

Opposition No. 122,833

11-19-2001
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #71

Assistant Commissioner for Trademarks
BOX TTAB
NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Honorable Sir:

OPPOSER'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME

Opposer, Sally Beauty Holdings, Inc. ("Sally Beauty"), in accordance with Rule 6 of the Federal Rules of Civil Procedure, hereby moves to extend the discovery period and all subsequent trial dates in the above proceeding ninety (90) days as follows:

Discovery period to close:	February 25, 2002
Testimony period for party in position of plaintiff to close (opening thirty days prior thereto):	June 2, 2002
Testimony period for party in position of defendant to close (opening thirty days prior thereto):	July 24, 2002
Rebuttal testimony period for party in position of plaintiff to close (opening fifteen days prior thereto):	September 8, 2002

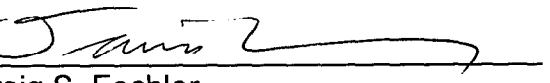
The Trademark Trial and Appeal Board mailed the Notice of Opposition and

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on November 14 2001
Geraldine A. Dumas

discovery and testimony period to Applicant's counsel of record, James B. O'Boyle, on May 11, 2001. Respondent failed to timely file its answer or file a motion to extend its time to answer. On October 31, 2001 Mr. O'Boyle stated to Opposer's counsel that he no longer represented the Applicant and that the Applicant was now represented by John C. Malloy, III. The same day Opposer's counsel spoke with Mr. Malloy regarding the status of this matter. On November 7, 2001 Mr. Malloy stated to Opposer's counsel that he did not have instructions from Applicant regarding this matter but that Opposer could represent to the Board that a motion to extend the discovery and testimony periods would not be opposed. As of November 14, 2001, Opposer has had no further communication from Mr. Malloy.

Opposer, therefore, has reason to believe that soon the Trademark Trial and Appeal Board will enter a notice of default against Applicant and issue an order to show cause why judgment by default should not be entered against Applicant will default in this matter, and that it is likely the Applicant will subsequently default. This extension, therefore, is not requested for the purposes of delay, but rather to preserve petitioner's opportunity to take discovery in this proceeding.

WILDMAN, HARROLD, ALLEN & DIXON

By: 

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Attorneys for Opposer,
Sally Beauty Holdings, Inc.

CERTIFICATE OF SERVICE

I, David A. Copland, counsel for Opposer, hereby certify that a copy of the foregoing OPPOSER'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME, was served on the following parties this 14th day of November, 2001, by first class mail, postage prepaid.

James G. O'Boyle, Esq.
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John C. Malloy, III, Esq.
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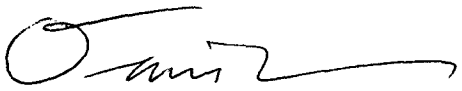

David A. Copland