

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

THE WILLIAM CARTER COMPANY )

Opposer, )

vs. )

H.W. CARTER & SONS, INC. )

Applicant. )

) **Opposition 124,083**

) **Mark: WATCH THE WEAR**  
) **BY H.W. CARTER**

) **Serial No. 75/848,306**

**STIPULATED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS**

Assistant Commissioner of Trademarks  
ATTN: BOX TTAB NO FEE  
2900 Crystal drive  
Arlington, VA 22202-3513

Pursuant to 37 CFR § 2.121, the above named parties, by their respective counsel, hereby request an extension of the time for taking discovery and testimony in Opposition No. 124,083. The parties seek to extend the closing date of the discovery period and each testimony period by six months.

This extension request is not for purposes of delay. Rather, the parties request this extension because the parties are again in the process of discussing settlement possibilities for this Opposition. Counsel for Applicant, Gail E. Nickols, Esq. stipulated to this extension in an e-mail on October 10, 2003.

If granted, the extended schedule for the remainder of discovery and the testimony periods would be as set forth below:

Discovery period to close: April 10, 2004  
Testimony period for party in position of plaintiff to close: July 8, 2004  
Testimony period for party in position of defendant to close: September 8, 2004  
Rebuttal testimony period to close: October 22, 2004

It is respectfully requested that the instant stipulated extension be granted.

DATED: October 10, 2003

Respectfully submitted,



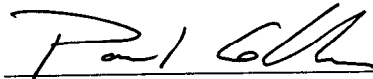
Neil S. Hirshman (Reg. No. 36,829)  
Mary E. Zaug  
Paul D. Collier  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, Illinois 60601  
312 861-2000

*Attorneys for Opposer  
The William Carter Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of STIPULATED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS was served by the United States Postal Service, Express Mail service, label number EV 085715147 US on October 10, 2003 on applicant's attorney at:

Gail E. Nickols, Esq.  
GRAHAM CAMPAIGN P.C.  
36 W. 44<sup>th</sup> St.  
New York, NY 10036



---

Neil S. Hirshman (Reg. No. 36,829)  
Mary E. Zaug  
Paul D. Collier  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
Chicago, Illinois 60601  
(312) 861-2000

*Attorneys for Opposer  
The William Carter Company*

TTAB

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

THE WILLIAM CARTER COMPANY )

Opposer, )

vs. )

H.W. CARTER & SONS, INC. )

Applicant. )

**Opposition 124,083**

**Mark: WATCH THE WEAR  
BY H.W. CARTER**

**Serial No. 75/848,306**



Assistant Commissioner of Trademarks  
ATTN: BOX TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

10-10-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

I hereby certify that the documents identified on these papers as Stipulated Motion to Extend Discovery and Testimony Periods in Opposition No. 124,083 are being deposited with the United States Postal Service "Express Mail to Addressee" service, label no. EL 982262835 US under 37 C.F.R. 1.10 on the dated indicated and is addressed to the Assistant Commissioner of Trademarks, ATTN: BOX TTAB NO FEE, on the 10<sup>th</sup> day of October, 2003.

Name: Michele C. Dasenbrook

Signature: *Michele Dasenbrook*