

TFA13

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



- - - - -x  
THE WILLIAM CARTER COMPANY,  
Opposer,  
Vs.  
H.W. CARTER & SONS, INC.,  
Applicant.  
- - - - -x

12-12-2003  
U.S. Patent & I.M.O. TM Mail Rcpt Dt. #73

Opposition No.  
124,083

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

MADAM:

APPLICANT'S SECOND MOTION TO EXTEND  
DISCOVERY AND ALL TESTIMONY PERIODS FOR 60 DAYS

Applicant, by its undersigned counsel of record,  
hereby respectfully requests that the Board enter an  
ORDER, extending discovery and all trial testimony  
periods for sixty (60) days, so that if so extended, the  
new closing dates will appear as follows:

- DISCOVERY TO CLOSE: February 7, 2004
- Plaintiff's testimony  
Period to close: May 8, 2004
- Defendant's testimony  
Period to close: July 6, 2004
- Rebuttal testimony  
Period to close: August 20, 2004

This extension is needed because senior management of Applicant are still consulting with their counsel of record and licensees regarding a formal written response to Opposer's proposal for settlement mailed on November 4, 2002. The additional time is required for the reason that the proposal for settlement proffered by Opposer, and the history of the current conflict, are both lengthy and complex.

Respectfully submitted,  
GRAHAM, CAMPAIGN P.C.

By: 

John M. Keene  
Of Attorneys for Applicant

The Bar Building  
36 West 44<sup>th</sup> Street  
Suite 1300  
New York, New York 10036  
212-354-5650  
212-354-6354

Dated: New York, New York  
December 9, 2003

CERTIFICATE OF FILING

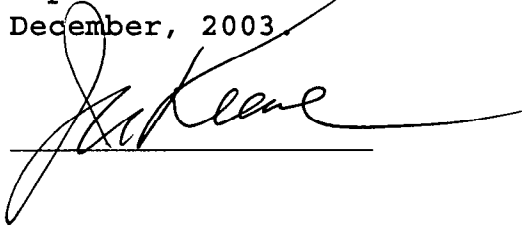
I hereby certify that the foregoing APPLICANT'S MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS 60 DAYS was filed by inserting the same in an envelope, sufficient First Class affixed, addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, and by depositing same with the U.S. Postal Service on this 9<sup>th</sup> day of December, 2003.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S MOTION TO EXTEND was served by inserting same into an envelope, sufficient First Class postage affixed, addressed to the Attorneys for Opposer as follows:

Paul D. Collier, Esq. and  
Mary E. Zaug, Esq.  
Kirkland & Ellis  
200 East Randolph Drive  
Chicago, IL 60601

And by depositing said envelope with the U.S. Postal Service on this 9th day of December, 2003.

A handwritten signature in black ink, appearing to read "J. Keane", is written over a horizontal line. The signature is fluid and cursive.

JMK/jmk  
jkbt/00/01/75/00/00  
carteroppnmotnextenddisco9dec03