

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

OMS INVESTMENTS, INC.,	)	
	)	Opposition No. 125,316
Opposer	)	
	)	For Serial No.: 76/250,740
v.	)	
	)	
PERKY-PET PRODUCTS COMPANY,	)	
	)	
Applicant	)	

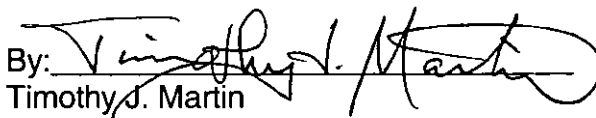
**STIPULATED MOTION TO EXTEND TESTIMONY PERIOD  
FOR PARTY IN POSITION OF DEFENDANT**

Applicant, Perky-Pet Products Company, by its counsel, hereby moves, pursuant to Trademark Rule 2.106(b)(2)(iv), for an extension of time of nine (9) days to and including August 20, 2004 for its testimony period to close as the party in the position of defendant. This extension is requested to allow counsel to co-ordinate their calendars due to prior commitments in other matters.

Counsel for Perky-Pet is authorized by counsel for Opposer, OMS Investments, Inc., to state that OMS Investments stipulates to the granting of this extension by telephone conference occurring on August 2, 2004.

Respectfully submitted,

PERKY-PET PRODUCTS COMPANY

By:   
Timothy J. Martin  
Timothy J. Martin, PC  
9250 W. 5th Avenue, Suite 200  
Lakewood, Colorado 80226  
(303) 232-3388  
Attorneys for Applicant



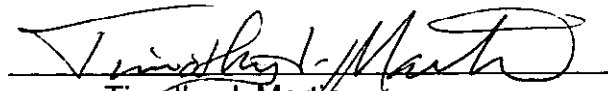
08-05-2004

**CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10**

I hereby certify that the foregoing Stipulated Motion to Extend Testimony Period for Party in Position of Defendant is being deposited with the United States Postal Service as EXPRESS MAIL, label number ED 327130515 US for delivery in an envelope addressed to:

Box TTAB No Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

on this 4th day of August, 2004.

  
Timothy J. Martin

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. §2.119**

I hereby certify that the foregoing Stipulated Motion to Extend Testimony Period for Party in Position of Defendant is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

James W. Burns  
**VORYS, SATER, SEYMOUR AND PEASE LLP**  
1828 L Street, NW, 11th Floor  
Washington, D.C. 20036

on this 4th day of August, 2004.

  
Timothy J. Martin