

FILE COPY

**CERTIFICATE OF MAILING
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the date below:

7/29/03
Date

[Signature]
Signature

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

S-B POWER TOOL CORPORATION,)	Opposition No. <u>125,371</u>
)	Opposition No. 150,928
Opposer,)	Opposition No. 153,446
)	Opposition No. 154,162
v.)	Opposition No. 154,172
)	Opposition No. 154,327
MILWAUKEE ELECTRIC)	Opposition No. 154,663
TOOL CORPORATION,)	Opposition No. 154,902
)	Opposition No. 155,458
Applicant.)	

STIPULATION TO EXTEND DISCOVERY AND TESTIMONY DEADLINES

**BOX TTAB
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514**

Madam:

Applicant Milwaukee Electric Tool Corporation and Opposer S-B Power Tool Corporation respectfully request the Trademark Trial and Appeal Board extend the discovery period, pending discovery deadlines, and all subsequent testimony periods in the above consolidated proceedings as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	January 15, 2004
Testimony Period for Party in Position of Plaintiff to Close (Opening thirty (30) days prior thereto):	March 24, 2004

Testimony Period for Party in Position of Defendant to Close
(Opening thirty (30) days prior thereto):


May 23, 2004

Rebuttal Testimony Period to Close
(Opening fifteen (15) days prior thereto):

July 7, 2004

The parties request this extension in order to allow for the completion of necessary discovery in connection with the numerous marks and issues involved in these consolidated proceedings. The parties respectfully submit that this constitutes good cause for the requested extension. Favorable consideration of this request by the Trademark Trial and Appeal Board is solicited.

Respectfully submitted,



William D. Raman, Esq.

Christopher D. Graff, Esq.

Jane A. O'Connell, Esq.

THOMPSON & KNIGHT LLP

98 San Jacinto Blvd., Suite 1200

Austin, Texas 78701

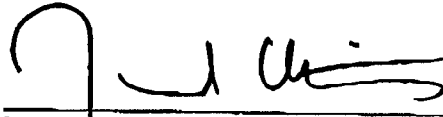
Telephone: (512) 469-6100

Facsimile: (512) 469-6180

ATTORNEYS FOR APPLICANT

MILWAUKEE ELECTRIC TOOL CORP.

Respectfully submitted,



Raymond I. Geraldson, Jr., Esq.
Joseph N. Welch, II, Esq.
Thad Chaloeontiarana, Esq.
**PATTISHALL, MCAULIFFE, NEWBURY,
HILLIARD & GERALDSON**
311 South Wacker Drive, Suite 5000
Chicago, Illinois 60606
Telephone: (312) 554-8000
Facsimile: (312) 554-8015

**ATTORNEYS FOR OPPOSER
S-B POWER TOOL CORPORATION**

Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New TM/SM Appl. As Follows:	<input type="checkbox"/> ITU	<input type="checkbox"/> Use-Based	<input type="checkbox"/> 44	<input type="checkbox"/> Priority
<input type="checkbox"/> Specimens	<input type="checkbox"/> Drawing	<input type="checkbox"/> Class(es):		
<input type="checkbox"/> AAU	<input type="checkbox"/> EOT #	<input type="checkbox"/> Stmt of Use	<input type="checkbox"/> Sec. 8 Decl.	<input type="checkbox"/> Sec. 8 & 15 Decl.
<input type="checkbox"/> Assignment FROM:	TO:			
<input type="checkbox"/> Response to Office Action Dated:				
<input checked="" type="checkbox"/> Other: 1 Original and 2 Copies of Stipulation to Extend Discovery and Testimony Deadlines; and Postcard				
<input type="checkbox"/> Hand Delivery	<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail No.		

IDENTIFICATION OF MATTER

Oppos. Nos. 125,371; 150,928; 153,446; 154,162; 154,172; 154,327; 154,663; 154,902; 155,458
Mark or Case Title: **S-B Power Tool Corporation v. Milwaukee Electric Tool Corporation**

Applicant or Registrant: Milwaukee Electric Tool Corporation	Attorney: CLG
Client: Milwaukee Electric Tool Corporation	TK File No.: 502849.000008
Mailed: 07/29/03	Filed:
	Due Date:

<input type="checkbox"/> Assignment FROM:	TO:	
<input type="checkbox"/> Response to Office Action Dated:		
<input checked="" type="checkbox"/> Other: 1 Original and 2 Copies of Stipulation to Extend Discovery and Testimony Deadlines; and Postcard		
<input type="checkbox"/> Hand Delivery	<input checked="" type="checkbox"/> Cert. of T:	

IDENTIFICA

Oppos. Nos. 125,371; 150,928; 153,446; 154,162; 154,172; 154,327; 154,663; 154,902; 155,458
Mark or Case Title: **S-B Power Tool Corporation**

08-01-2003
U.S. Patent & TMOc/TM Mail Rcpt Dt #22

Mail No. AUG 18 2003
DOCKETED
3; 154,902; 155,458
orporation



Applicant or Registrant: Milwaukee Electric Tool Corporation	Attorney: CLG
Client: Milwaukee Electric Tool Corporation	TK File No.: 502849.000008
Mailed: 07/29/03	Filed:
	Due Date:

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

In the Matter of Application Serial No. 75/831,346: RED AND BLACK COLOR

Published in the Official Gazette of January 15, 2002 at TM 225

In International Class 7

ROBERT BOSCH TOOL CORPORATION,)

Opposer,)

v.)

MILWAUKEE ELECTRIC TOOL CORPORATION,)

Applicant.)

Opposition No. 125.371

SECOND AMENDED NOTICE OF OPPOSITION

Robert Bosch Tool Corporation, a Delaware corporation with its principal place of business in Chicago, Illinois, believes that it will be damaged by registration of the mark shown in Application Serial No. 75/831,346, and hereby opposes the same.

As grounds for the opposition it is alleged:

1. Opposer and its predecessors have for many years been engaged in the manufacture, distribution, advertising and sale of a wide variety of electric power tools, including driver/drills.
2. Opposer and applicant are engaged in direct competition in the manufacture and sale of electric power tools.
3. For many years, and since long prior to the filing date of Application Serial No. 75/831,346 and date of first use claimed in that application, opposer and other

manufacturers of electric power tools have used the colors red and black as ornamentation on electric power tools.

4. Opposer is currently manufacturing, selling, advertising and promoting electric power tools bearing the colors red and black.

5. For many years, applicant has not been the exclusive user of the colors red and black for electric power tools, since opposer and others have used those colors as ornamentation on electric power tools.

6. The colors red and black do not serve as a trademark for opposer, applicant or others, but serve as ornamentation on electric power tools emanating from different companies.

7. On information and belief, applicant did not use the colors red and black in connection with the goods identified in Application Serial No. 75/831,346, prior to August 1993, the date of first use claimed in that application.

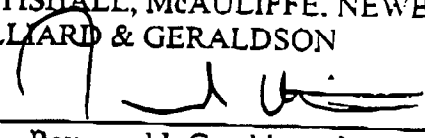
8. Opposer and others are entitled to use the colors red and black in connection with their electric power tools, and registration to applicant of those colors would be inconsistent with the right of opposer and others to continue their aforesaid use.

WHEREFORE, opposer prays that its opposition be sustained and registration of Application Serial No. 75/831,346 be refused.

Please address all correspondence to Raymond I. Geraldson, Jr. and Joseph N. Welch II at Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, 311 South Wacker Drive, Suite 5000, Chicago, IL 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By:



Raymond I. Geraldson, Jr.
Joseph N. Welch II
Thad Chaloeintiarana
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

Of Counsel:

R. Warren Comstock
Robert Bosch Corporation
2800 South 25th Avenue
Broadview, Illinois 60153

THOMPSON & KNIGHT

LLP

ATTORNEYS AND COUNSELORS

98 San Jacinto Blvd.

SUITE 1200

AUSTIN, TEXAS 78701-4081

(512) 469-6100

FAX (512) 469-6180

DALLAS
(214) 969-1700 / FAX (214) 969-1751

FORT WORTH
(817) 347-1700 / FAX (817) 347-1799

DIRECT DIAL: 512-469-6142

HOUSTON
(713) 654-8111 / FAX (713) 654-1111

MONTERREY, MEXICO
(52-81) 8-363-0096 / FAX (52-81) 8-363-0096

FACSIMILE COVER LETTER

TO: Trademark Trial & Appeal Board -- Cheryl Butler

PHONE NO.: 703/308-9333

FROM: Sherri Eastley

SUBJECT: Milwaukee Electric Tools v. S-B Power Tools

DATE: November 24, 2003

CLIENT/FILE# 502849.000008

ATTY PHONE EXT. 9333

FAX NO.: 703/308-9333

NO. OF PAGES 1

PRIVILEGED & CONFIDENTIAL

Please deliver to Cheryl Butler immediately.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OF AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE POSTAL SERVICE. THANK YOU.