

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

-----X	
Bacardi & Company Limited,	:
(by assignment from	:
Tequila Cazadores, S.A. de C.V.)	:
	:
Opposer,	:
	:
v.	:
	:
Tequila Centinela, S.A. de C.V.,	:
	:
Applicant.	:
-----X	

Opposition No. 125,436

Ser. No. 76/112,825

Mark: CABRITO and Design

OPPOSER’S MOTION TO EXTEND DISCOVERY AND TRIAL DATES

Opposer requests that this Honorable Board extend the discovery period for 45 days after the Board’s decision on Opposer’s Renewed Motion for Summary Judgment. Opposer also requests that the Board reset all trial dates accordingly.

Opposer requests this extension to ensure that discovery is completed before the trial phase of the proceeding commences. Opposer’s counsel requested that Applicant’s counsel stipulate to this extension, but Applicant’s counsel refused without stating any reason.

Opposer originally served discovery requests on Applicant in September, 2002 shortly before these proceedings were suspended pending the disposition of potentially dispositive motions. These proceedings were recently resumed; however, the Board granted Applicant’s motion which allowed Applicant to not respond to the discovery requests because the Board found that Bacardi & Company Limited (“Bacardi”), the propounder of the discovery requests, was not a proper party at that time. Opposer has since filed the

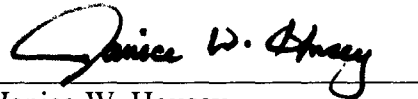
necessary papers to show that Bacardi owns the marks and rights claimed in the Notice of Opposition and has re-served its discovery requests. Opposer will require time to review Applicant's responses before Opposer can determine whether any further discovery is required.

Opposer further respectfully notes the parties have not yet entered into a protective order and thus, it appears that an extension will be necessary so that confidential information and documents can be considered before either side determines whether additional discovery is required.

WHEREFORE, Opposer respectfully requests that if this proceeding is not terminated by Opposer's Motion for Summary Judgment that the discovery period be set to close 45 days after the Board rules on the Motion.

Respectfully submitted,

Bacardi & Company Limited



Janice W. Housey

Michael J. Mlotkowski

Counsel for Opposer Bacardi & Company Limited

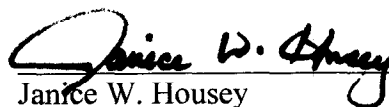
Date: April 28, 2003

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CERTIFICATE OF SERVICE

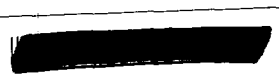
On this 28th day of April, 2003, a true and correct copy of the foregoing OPPOSER'S RENEWED MOTION TO SUBSTITUTE PARTY was via hand delivery, postage prepaid and addressed as follows:

Jeffrey H. Kaufman, Esquire
OBLON, SPIVAK et al.
1940 Duke Street
Alexandria, Virginia 22314


Janice W. Housey



TTAB



04-28-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

IN THE UNITED STATES PATENT AND TRADEMA

In re Opposition No. 125,436

Bacardi & Company Limited (by assignment from Tequila Cazadores, S.A. de C.V.)

v.

Tequila Centinela, S.A. de C.V.,

Mark: CABRITO & Design

Box TTAB

COVER SHEET

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202

Madam:

Enclosed for filing in connection with the above-referenced matter, please find the following:

-- OPPOSER'S MOTION TO EXTEND DISCOVERY AND TRIAL DATES

Respectfully submitted,

Date: April 28, 2003

Janice W. Housey
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