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

TRADEMARK TRIAL AND
APPEAL BOARD
02 SEP - 6 PM 8:44

GenuOne, Inc., §
§
Opposer, §
v. §
SICPA Product Security, Inc., §
§
Applicant. §

Opposition No. 151,566



09-03-2002

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

APPLICANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY

Applicant, SICPA Product Security, Inc., hereby moves for a first thirty (30) day extension of time to respond to discovery. As grounds for this motion, Applicant states the following:

1. Opposer's discovery requests were served by mail on July 25, 2002, and received by Applicant on July 28, 2002, thereby rendering Applicant's responses due on August 29, 2002.
2. Applicant's counsel has been working on drafting appropriate responses to the discovery requests. Due however to the burden of civil litigation, Applicant's counsel has been travelling extensively since the discovery requests were served. Specifically since July 28, 2002, when Opposer's discovery requests were first received, Applicant's counsel has been in or travelling to and from California preparing for and taking depositions for approximately two weeks and as lead counsel has supervised

the drafting of motions and selection of witnesses and deposition of other witnesses in other cases.

It is believed this constitutes good cause for the extension sought. Fed. R. Civ. P. 6(b)(1) made applicable to these proceedings by the Trademark Rules of Practice, provides that “the Court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.” In interpreting this provision, as the TTAB has explained, only “good cause” must be shown for the extension. Normally, extensions should be granted liberally, absent a showing of undue delay or prejudice to the opposing party.

There can be no showing of undue delay here. The thirty (30) day extension sought is for a relatively brief period and is the first extension which has been sought by Applicant with respect to answering discovery in this case. Further, granting this motion should not unduly prejudice Opposer. On the other hand, to deny this motion, would prejudice Applicant by giving Applicant insufficient time to respond to Opposer’s requests.

Wherefore, Applicant respectfully requests that the Board grant Applicant's motion to extend its time to respond to Opposer's first set of discovery requests. If granted, Applicant's responses to Opposer's discovery requests will become due on September 28, 2002.

Respectfully submitted,

SICPA Product Security, Inc.

Date: August 29, 2002


By: Carla C. Calcagno

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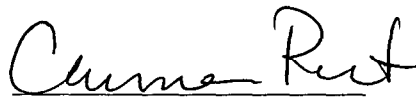
CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Applicant's Motion for Extension of Time to Respond to Discovery" was served on Opposer's attorney, Michael J. Bevilacqua, Esq., Hale & Dorr, LLP, 60 State Street, Boston, MA 02109 by First Class mail, postage prepaid, this 29th day of August, 2002.


Carmen Ruth

CERTIFICATE OF MAILING

I certify that the foregoing Applicant's Motion For Extension Of Time To Respond To Discovery is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3515 on August 29, 2002

A handwritten signature in cursive script that reads "Carmen Ruth". The signature is written in black ink and is positioned above a horizontal line.

Carmen Ruth

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	Class(es):	<input type="checkbox"/> Check for \$		
<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"/> Renewal App.
<input type="checkbox"/> Assignment FROM:		TO:			
<input type="checkbox"/> Response to Office Action Dated:					
<input checked="" type="checkbox"/> Other: Applicant's Motion to Extend Time to File Response to Discovery Requests					
<input checked="" type="checkbox"/> Hand Delivery	<input type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail No.			

IDENTIFICATION OF MATTER

<input type="checkbox"/> Serial No.	<input type="checkbox"/> Reg. No.	<input checked="" type="checkbox"/> Oppos. No. 151,566	<input type="checkbox"/> Cancellation No.:
Mark or Case Title: GenuOne, Inc. v. SICPA Product Security, Inc.			
Applicant or Registrant:		Attorney: Calcagno	
Client: SICPA Product Security, Inc.		Firm File No.: 06430.0017.000000	
Mailed:	Filed: August 29, 2002	Due Date: August 29, 2002	

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