



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

TRUGREEN LIMITED PARTNERSHIP,)

Opposer,)

v.)

UNITED INDUSTRIES CORP.,)

Applicant.)

Opposition No.: 91/154,132
Appln. Serial No. 75/829,745



11-12-2003

U.S. Patent & TMO/tc/TM Mail Rcpt Dt. #22

Honorable Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION TO EXTEND DISCOVERY
AND TRIAL DATES (WITH CONSENT)

Opposer, TruGreen Limited Partnership, through its undersigned counsel, hereby moves to extend the discovery and trial dates in the above-captioned proceeding for a period of 60 days, as follows:


THE PERIOD FOR DISCOVERY TO CLOSE:	January 14, 2004
Testimony period for the party in position of plaintiff to close (opening thirty days prior thereto)	April 13, 2004
Testimony period for the party in position of defendant to close (opening thirty days prior thereto)	June 12, 2004
Rebuttal testimony period to close (opening fifteen days prior thereto)	July 27, 2004

This extension was discussed with and agreed to by Andrew Mayfield, counsel for Applicant, during a telephone discussion with Jay Hines, undersigned counsel for Opposer, on November 10, 2003.

Respectfully submitted,

TRUGREEN LIMITED PARTNERSHIP

By:


P. Jay Hines
Oblon, Spivak, McClelland,
Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
fax (703) 413-2220
e-mail: tmocket@oblon.com

Date: November 12, 2003

PJH/cds {I:\ATTY\PJH\244183-228489US-MOT.DOC}

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **MOTION TO EXTEND DISCOVERY AND TRIAL DATES (WITH CONSENT)** was served on counsel for Applicant, this 12th day of November, 2003, by sending same via First Class mail, postage prepaid, to:

Andrew B. Mayfield, Esquire
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740

Carmen Sumner
