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

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TWIN LABORATORIES INC.,

Opposition No. 91155955

Opposer,

STIPULATION EXTENDING TIME  
TO RESPOND TO APPLICANT'S  
MOTION FOR JUDGMENT FOR  
OPPOSER'S FAILURE TO PROVE  
CASE

v.

BREAKTHROUGH ENGINEERED  
NUTRITION, INC.

Applicant.  
-----X

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Date of Deposit: **June 29, 2004**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

By 

Jo-Ann Cupito

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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Subject to the approval of this honorable Board, the parties request a one month extension of time until **July 31, 2004** for Opposer to Respond to Applicant's Motion For Judgment For Opposer's Failure To Prove Case. The purpose of this request is to allow the parties time to finalize the execution of a Settlement Agreement already in place, which would obviate the need for litigation.

This request for an extension was agreed to in a telephone conversation with Todd Timmerman, counsel for Applicant on June 20, 2004.

Respectfully submitted,



06-29-2004

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

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Dated: June 29, 2004  
New York, NY

By:   
Chester Rothstein

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on the date indicated below, a true and correct copy of the foregoing STIPULATION EXTENDING TIME TO RESPOND TO APPLICANT'S MOTION FOR JUDGMENT FOR OPPOSER'S FAILURE TO PROVE CASE was served by FedEx, postage prepaid, upon attorneys for Applicant, as follows:

J. Todd Timmerman, Esq.  
Shumaker, Loop & Kendrick, LLP  
Bank of America Plaza Suite 2800  
101 East Kennedy Boulevard  
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Chester Rothstein

Dated: June 29, 2004  
New York, NY