

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

DEL LABORATORIES, INC.

Opposer,

v.

BEAUTY HOLDING COMPANY, INC.,

Applicant.

Opposition No. 91156048



01-06-2004

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

MOTION WITH CONSENT TO EXTEND DISCOVERY

Applicant, Beauty Holding Company, Inc., with the consent of opposer, Del Laboratories, Inc., in accordance with Rule 2.121(a)(1) of the Trademark Rules of Practice, hereby moves that the discovery period and all subsequent pretrial and trial dates in the above proceeding be extended by sixty (60) days as follows:

Discovery period to close:	March 7, 2004
Testimony period for party in position of plaintiff to close:	June 5, 2004
Testimony period for party in position of defendant to close:	August 4, 2004
Rebuttal testimony period for plaintiff to close:	September 18, 2004

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

"Express Mail" mailing label number: EV263770297 US

Date of Deposit: January 6, 2004

I hereby certify that this paper or form being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.


Cynthia E. Harris

In a telephone conference on December 23, 2003, between counsel for applicant, Julie M. Nichols, and counsel for opposer, Lisa A. Pieroni, the parties discussed and agreed to the extension sought herein. This extension is requested not for the purposes of delay, but to enable the parties to complete the discovery process.

Respectfully submitted,

WILDMAN, HARROLD, ALLEN & DIXON LLP

Date: January 6, 2004



Craig S. Fochler
Julie M. Nichols
225 West Wacker Drive
Chicago, Illinois 60606-1229
Telephone: (312) 201-2000
Facsimile: (312) 201-2555

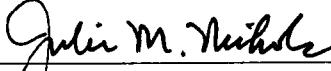
Attorneys for Applicant
Beauty Holding Company, Inc.

CERTIFICATE OF SERVICE

I, Julie M. Nichols, hereby certify that a copy of the foregoing, MOTION WITH CONSENT TO EXTEND DISCOVERY was served on Del Laboratories, Inc. this 6th day of January, 2004, by facsimile and by mailing a true and accurate copy of same to its attorneys as follows:

Lisa A. Pieroni, Esq.
Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York, New York 10017-6105

via first class mail, postage prepaid.



Julie M. Nichols

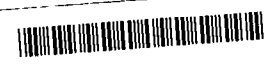
Wildman, Harrold, Allen & Dixon
225 West Wacker Drive
Chicago, Illinois 60606-1229
312-201-2000
312-201-2555 fax
www.wildmanharrold.com

Julie M. Nichols
312-201-2551
nichols@wildmanharrold.com



Wildman Harrold
Attorneys and Counselors

TTAB



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January 6, 2004

VIA EXPRESS MAIL

Commissioner For Trademarks
BOX TTAB – NO FEE
2900 Crystal Drive
Arlington, Virginia 22202-3515

Re: Del Laboratories, Inc. v. Beauty Holding Company, Inc.
Opposition No. 91156048

Dear Sir:

Enclosed for filing please find the following:

1. One (1) original and two (2) copies of a Motion With Consent to Extend Discovery with Certificate of Service; and
2. A stamped, self-addressed postcard for acknowledgment of this filing.

Very truly yours,

Julie M. Nichols
Julie M. Nichols

JMN:cen
Encls.

CERTIFICATE OF EXPRESS MAIL UNDER 39 CFR 1.10
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Date of Deposit: January 6, 2004
I hereby certify that the paper or papers herein deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 39 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.
Agnes E. Harris