

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMS INVESTMENTS, INC.

Opposer,

v.

CENTRAL GARDEN & PET COMPANY,

Applicant.

Opposition No. 91156249

Application Serial No. 76/300626



07-12-2005

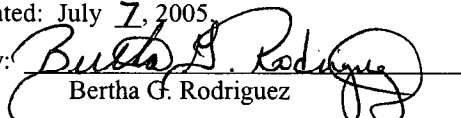
U.S. Patent & TMO/TM Mail Rpt Dt. #11

"CERTIFICATE OF MAILING"

I hereby certify that this correspondence, in duplicate, is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Dated: July 7, 2005.

By:


Bertha G. Rodriguez

**STIPULATION TO WAIVE SEALING OF THE DEPOSITION TRANSCRIPTS AND
TO EXTEND FILING DATES OF THE BRIEFS**

Applicant, CENTRAL GARDEN & PET COMPANY, and Opposer, OMS INVESTMENTS, INC., by their respective counsel, hereby stipulate, that the requirements of 37 C.F.R. 2.123 that the deposition transcript be forwarded in a sealed envelope to the Board be waived, and that both parties will be allowed to forward unsealed certified deposition transcripts to the Trademark Trial and Appeal Board. The reason for this waiver is that the court reporter forwarded the deposition transcripts to the parties in a format that does not comply with 37 C.F.R. 2.126.

Furthermore, the parties have agreed that Applicant has until July 11, 2005 to file its Trial Brief, and Opposer has until July 29, 2005 to file its reply brief.

William Oldach, counsel for Opposer OMS Investments, approved of this stipulation on July 6, 2005. The parties respectfully request that the Trademark Trial and Appeal Board approve this stipulation.

Respectfully submitted,

DORSEY & WHITNEY LLP

July 7, 2005



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing:

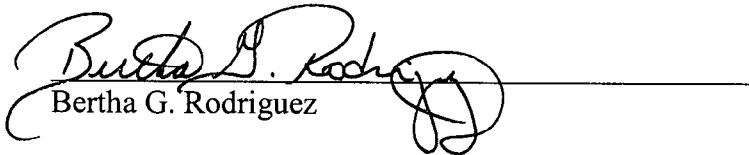
STIPULATION TO WAIVE SEALING OF THE DEPOSITION TRANSCRIPTS

is being served upon counsel for Opposer by depositing a copy of the same in the United

States mail, first class postage prepaid, addressed as follows:

William Oldach
Vorys, Sater, Seymore & Pease LLP
1828 L Street, NW, 11th Floor
Washington, DC 20036

This 7 day of July, 2005.



Bertha G. Rodriguez