

IN THE U.S. PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TRADEMARK TRIAL AND  
APPEAL BOARD  
AUG 14 PM 2:30

TREK BICYCLE CORPORATION, )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 FUJITSU LIMITED, )  
 )  
 Applicant. )  
 )

BOX TTAB  
NO FEE

Opposition No. 91-156,634  
App. Serial No. 76/026,687  
Mark: SURETREK (Stylized)

**REQUEST FOR COPY OF NOTICE OF OPPOSITION  
AND RESCHEDULING OF ANSWER DUE DATE,  
DISCOVERY PERIOD AND TESTIMONY PERIODS (WITH CONSENT)**

The undersigned counsel for Applicant recently learned from the USPTO Trademark Application and Registration Retrieval (TARR) database that a Notice of Opposition was apparently filed on June 13, 2003. Counsel for Applicant has not, to date, received a copy of the Notice of Opposition or a corresponding scheduling Order from the Board. The undersigned learned of the opposition number and appropriate caption for the proceeding from the Board Information System Index (BISX).

Counsel for Applicant attests that a search of our office's file jacket and docket records indicates that the aforementioned documents were not received. A redacted copy of the docket records where the non-received documents would have been entered, and thereby docketed for response, is attached hereto as Exhibit A. As indicated by the attached docketing records, counsel for Applicant last received a Notice of Publication dated May 14, 2003. The undersigned further attests that the status of the application was diligently checked and the apparent filing of the Notice of Opposition came to the attention of Applicant through a routine status inquiry of the USPTO TARR database.

The TARR record for application serial no. 76/026,687 further indicates that an address change for Applicant's counsel was received on June 5 and 10, 2003, and therefore, the undersigned should have received any correspondence related to the application.

Applicant has acted in good faith as evidenced by the undersigned's diligent checking of the USPTO TARR database. Applicant's delay in responding to the Notice of Opposition was unavoidable and not within the control of Applicant as Applicant could not respond to a Notice of

Opposition that was not received, and has not, to date, been received. The BISX database indicates that the Board instituted the opposition on June 13, 2003. A delay of two to three months will cause no prejudice to Opposer and will have no substantive effect upon the proceedings. Accordingly, Applicant respectfully requests that the Board provide counsel for Applicant with a copy of the Notice of Opposition and that the Board concurrently issue a new scheduling Order for the opposition proceeding setting forth, inter alia, a new due date for Applicant's Answer, a new discovery period and new testimony periods. Applicant asserts that the foregoing represents good cause within the meaning of Fed. R. Civ. P. 6(b) and TBMP § 509.01(b).

By August 14, 2003 teleconference, counsel for Opposer, Mary Merz, Esq., provided Opposer's consent to this Request.

If for any reason the Board will not grant this REQUEST FOR COPY OF NOTICE OF OPPOSITION AND RESCHEDULING OF ANSWER DUE DATE, DISCOVERY PERIOD AND TESTIMONY PERIODS (WITH CONSENT), it is respectfully requested that the undersigned counsel for Applicant be contacted via telephone in accordance with the Board's project for telephone disposition of interlocutory matters.

Respectfully submitted,

FUJITSU LIMITED

Dated: Aug. 17, 2003

By:



James D. Halsey, Jr.  
David E. Weslow  
STAAS & HALSEY LLP  
1201 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005  
202.434.1500 (telephone)  
202.434.1501 (facsimile)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing REQUEST FOR COPY OF NOTICE OF OPPOSITION AND RESCHEDULING OF ANSWER DUE DATE, DISCOVERY PERIOD AND TESTIMONY PERIODS (WITH CONSENT) was sent on this 14th day of August 2003, by first class mail, postage pre-paid to the following counsel for Opposer:

Mary Merz, Esq.  
Amy Feltz, Esq.  
MERZ & ASSOCIATES  
1140 Lake Street  
Suite 304  
Oak Park, IL 60301-1051

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

# EXHIBIT A

8/14/2003

Trademark Information Print

Docket No	[REDACTED]	Expiration Dt	
Country	United States	Renewal Dt	
Case Type	Regular	Pub. Date	6/3/2003
Filing Type	National	Agent	
Filing No		Assignee	
Billing Attorney	James D. Halsey, Jr.	Reel/Frame	
Originating Attorney	James D. Halsey, Jr.	Record Date	
Client\Division	[REDACTED]	No. of Pages	
Applicant	FUJITSU LIMITED	Client Ref No.	[REDACTED]
Agent		Priority Ctry	Japan
Status	Filed	Priority No	11-108290
Sub Status	CPA Rsp for Renewals	Priority Dt	11/26/1999
Sub Status Dt	10/17/2000	Based on Ctry	
Serial Number	76/026,687	Mark No	
Appln Filing Date	4/14/2000	Based on RNL Dt	
Serial Number	76/026,687	Priority Claim	
Appln Filing Date	4/14/2000	Based On Mark Flag	
Registration No		Mark Name	SURETREK
Registration Date		Create Dt	2/29/2000
Registration No		Update Date	6/6/2003
Registered Date		Update Time	1051
Assigned		Update User	JDB
Start Date		Update Type	
Earliest Rts Dt		Verified	
Start Date		Customer	
First Use Dt			

\*\*Actions\*\*

Action	Application Filed	DeadLn Dt	5/26/2000
Act Due Date	5/26/2000	Comp Dt	4/14/2000

Act Notes  
APPLN, POA, DECL, 2 DWGS(1 IN JP), W/CK.\$325\*\*

Action	Office Action Mailed Date	DeadLn Dt	
Act Due Date	10/25/2000	Comp Dt	10/27/2000

Action	Response Filed	DeadLn Dt	4/25/2001
Act Due Date	4/25/2001	Comp Dt	4/6/2001

Act Notes  
AMEND, EXHIBIT A, NO CK\*\*  
01/29/2001-[REDACTED]

Action	PTO Commnctn Recvd	DeadLn Dt	
Act Due Date	7/3/2001	Comp Dt	7/6/2001

Act Notes  
ACTION ON THIS APPLN IS SUSPENDED PENDING RECEIPT OF A CERTI  
FICATION OR CERTIFIED  
COPY OF THE REGISTRATION IN THE COUNTRY OF ORIGIN OF APPLICA  
NT...\*\*\*\*

Action	Incoming Mail Recvd	DeadLn Dt	
Act Due Date	4/4/2002	Comp Dt	4/29/2002

Act Notes  
REQ FOR STATUS\*

Action	Incoming Mail Recvd	DeadLn Dt	
Act Due Date	5/10/2002	Comp Dt	5/17/2002

Act Notes  
REMINDER RE: CERT CPY REG. & REJECTION\*\*

Action	Incoming Mail Recvd	DeadLn Dt	
Act Due Date	5/15/2002	Comp Dt	5/20/2002

Act Notes  
LTR RE: REQ FOR RESP TO LTR DATED 04/04/2002\*\*

Action	Crtfd Copy Reg Filed	DeadLn Dt	
Act Due Date	8/3/2002	Comp Dt	7/3/2002

Act Notes  
SUBMISSION OF JAP REG 4,438,382 WITH ENGLISH TRANSLATION, NO  
FEE \*\*\*\*\*

Action	Office Action Mailed Date	DeadLn Dt	
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Act Due Date 12/4/2002 Comp Dt 12/6/2002  
Action Incoming Mail Recvd DeadLn Dt  
Act Due Date 2/26/2003 Comp Dt 3/4/2003

Act Notes  
LTR RE: DRAWINGS AMENDMENT\*\*LM\*\*

Action Tmk Resp 3 Mo Rmdr DeadLn Dt 6/4/2003  
Act Due Date 3/4/2003 Comp Dt 3/4/2003

Action Tmk Resp 1 Mo Rmdr DeadLn Dt 6/4/2003  
Act Due Date 5/4/2003 Comp Dt 5/4/2003

Action Response Filed DeadLn Dt 6/4/2003  
Act Due Date 6/4/2003 Comp Dt 3/4/2003

Act Notes  
(19) SUBMISSION OF NEW DWGS, NO FEE \*\*\*\*\*

Action Next Office Action ? DeadLn Dt  
Act Due Date 3/4/2004 Comp Dt

Action CPA Rsp for Renewals DeadLn Dt  
Act Due Date Comp Dt

Act Notes  
CPA RESPONSIBLE FOR RENEWALS, PER LETTER FROM FUJITSU 09/12/  
2000\*\*\*\*

Action No Foreign Filing Needed DeadLn Dt  
Act Due Date Comp Dt

Action Filing Receipt ? DeadLn Dt  
Act Due Date Comp Dt 7/6/2000

Action Incoming Mail Recvd DeadLn Dt  
Act Due Date Comp Dt 1/29/2001

Act Notes  
RECEIVED INSTRUCT TO FILE RESP W/SRCH RPRT\*\*

\*\*Class\Goods\*\*

Class Type International Class Number 9

Goods  
Scientific, Nautical, Surveying, Electric, Photographic,  
Cinematographic, Optical, Weighing, Measuring, Signalling,  
Checking (supervision), Life-Saving & Teaching Apparatus &  
Instruments Apparatus for Recording, Transmission or  
Reproduction of Sound or Images Magnetic Data Carriers,  
Recording Discs Automatic Vending Machines and Mechanisms  
for Coin-Operated Apparatus Cash Registers, Calculating  
Machines, Data Processing Equipment & Computers Fire  
Extinguishing Apparatus.

\*\*Full Mark Name\*\*

Mark  
SURETREK

\*\*Remarks\*\*

Remarks  
01/29/2001-RECEIVED INSTRUCT [REDACTED]  
CPA RESPONSIBLE FOR RENEWALS, PER LETTER FROM FUJITSU 09/12/  
2000\*\*\*\*  
04/12/2000 LTR RE: INSTRUCTION RE: FILE APPLN \*\*  
04/12/2000-RECEIVED SIGNED CPY OF APPLN\*\*  
03/06/2000-RECEIVED HARD CPY OF TM APPLN\*\*

\*\*Fax/Exprs Log\*\*

8/14/2003

Trademark Information Print

Trans Type Incoming Fax

Comments  
4-4-00 3 PGS RE-REPLY TO LETTER 2-29-00/ABOVE CASE

Trans Type Incoming Fax

Comments

4-12-00 1 PGS RE-REPLY TO LETTER 4-4-00/ABOVE CASE

Trans Type Express Mailed Recvd

Comments

04/12/2000-RECEIVED SIGNED CPY OF APPLN--OCS# 10-099-402-272  
\*\*

Trans Type Incoming Fax

Comments

1-26-01 2 PGS RE- REPLY TO O.A. AND LTR OF 11-20-00

Trans Type Express Mailed Recvd

Comments

01/29/2001-ems# ee 259540730 jp\*\*

Trans Type Incoming Fax

Comments

4-4-02 2 PGS RE-REQUEST STATUS OF CASE

Trans Type Incoming Fax

Comments

4-22-02 2 PGS RE-REQUEST STATUS OF CASE

Trans Type Incoming Fax

Comments

5-10-02 2 PGS E-FORWARD CERTIFIED COPY

Trans Type Incoming Fax

Comments

5-15-02 3 PGS RE-STILL AWAITING REPLY TO LETTER OF 5-4-02

Trans Type Express Mailed Recvd

Comments

07/01/2002-DHL#227 1783 334\*\*

Trans Type Incoming Fax

Comments

2-26-03 1 PGS RE-AMEND DRAWINGS AS PROPOSED