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37 C.F.R. 1.8

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February 7, 2005  
Date

*Willie A. Khan*  
Signature

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

In the Matter of Application Serial No. 76/155,200  
Mark: GUARANTY BANK

Published in the Official Gazette  
on October 8, 2002, at TM 662

MIDWEST GUARANTY BANK,

Opposer,

v.

GUARANTY BANK,

Applicant.

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Opposition No. 91/157,417

**CONSENTED MOTION FOR AN EXTENSION OF TIME TO ANSWER OR  
OTHERWISE PLEAD**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Madam:

Applicant, Guaranty Bank ("Applicant"), by and through its attorneys, hereby moves the Board for an extension of time of sixty (60) days to and including April 8, 2005, to answer or otherwise plead to the Notice of Opposition filed in the present matter.



02-10-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

Upon information and belief, Opposer, Midwest Guaranty Bank, was acquired by Independent Bank Corporation during the summer months of 2004. As such, Independent Bank Corporation is now the proper party to this opposition.

Applicant and Opposer (Independent Bank Corporation) have exchanged settlement offers, and it appears that settlement is likely in the near future. The additional time is necessary to further explore these settlement efforts.

Counsel for Applicant has consulted with counsel for Opposer, Kimberly Baber and Tim Eagle with the firm of Varnum, Riddering, Schmidt, and Howlett LLP, and they have indicated that Opposer agrees to the requested extension of time. Additionally, it is requested that the Board reset all discovery and testimony deadlines, with the deadline for the close of discovery to be ninety (90) days after the deadline for Applicant's answer or other response. Such an extension of the deadlines will enable the parties to avoid the cost of discovery if settlement can be reached, or to have time to consider discovery issues if settlement cannot be reached. This extension would result in the following discovery and testimony deadlines:

THE PERIOD FOR DISCOVERY TO CLOSE: July 7, 2005;

30-day testimony period for party in position of plaintiff to close: October 5, 2005;

30-day testimony period for party in position of defendant to close: December 4, 2005;

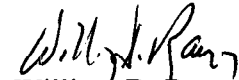
15-day rebuttal testimony period to close: January 18, 2006.

Accordingly, Applicant requests that its deadline to answer or otherwise plead be extended to and include April 8, 2005, and that the discovery and testimony deadlines be extended as set forth above in order to allow completion of the present settlement efforts.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. § 2.6 be deemed necessary for any reason relating to this application, the Commissioner for Trademarks is hereby authorized to deduct said fee from Wong Cabello Deposit Account No. 501922/418-0085.

Please date stamp and return the enclosed postcard to acknowledge receipt of this material.

Respectfully submitted,



William D. Raman

Sherri L. Eastley

ATTORNEYS FOR APPLICANT

Wong, Cabello, Lutsch, Rutherford &

Brucculeri, LLP

P.O. Box 685108

Austin, Texas 78768-5108

Tel: 512/473-2550

Fax: 512/473-2555

### CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CONSENTED MOTION FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD** is being sent via United States Postal Service, as First Class Mail, postage prepaid, this the 7th day of February, 2005 to Opposer by and through its attorneys (a courtesy copy being sent to the prior Opposer's counsel), at the following addresses:

Lisa M. DuRoss (former counsel)  
Harness Dickey & Pierce, PLC  
5445 Corporate Drive, Suite 400  
Troy, Michigan 48098-2683

Kimberly Baber (present counsel)  
Timothy E. Eagle  
Varnum, Riddering, Schmidt & Howlett, LLP  
Bridgewater Place  
P.O. Box 352  
Grand Rapids, Michigan 49501-0352

  
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