

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 7, 2004

Opposition No. 91158803

RCPI Landmark Properties,
LLC

v.

GENE SIMMONS COMPANY

Denise M. DelGizzi, Paralegal Specialist

Opposer's consented motion filed July 6, 2004 to extend discovery and trial dates is granted.¹ Trademark Rule 2.127(a).

The discovery and trial dates are reset in accordance with opposer's motion.

¹ The Board notes that the motion to extend discovery and trial dates indicates proof of service on applicant's counsel only by fax. Although a party filing a paper in a Board inter partes proceeding may always send a courtesy copy of the paper to an adverse party by fax, transmission of a paper by fax does not constitute "service" thereof under Trademark Rule 2.119. To expedite matters, the Board encloses a copy of the motion to extend discovery and trial dates with applicant's copy of this order.