ttab

05-05-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

50698/23

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

- -x

MAG INSTRUMENT, INC.,

Opposer,

v.

MAGASCHONI APPAREL GROUP, INC.,

Applicant.

- -x

Opposition No. 91159256

Application Serial No. 78/219,056
Filing Date: February 26, 2003
Publication Date: September 16, 2003
Trademark: **M-A-G BY MAGASCHONI**

"Express Mail" mailing label No.:	EL 996382665 US
Date of Deposit:	May 5, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.	
Name:	Jane Williams
Signature:	Jane Williams

Box TTAB - No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION UPON CONSENT FOR
EXTENSION OF TIME TO FILE ANSWER

Dear Commissioner:

Applicant, Magaschoni Apparel Group, Inc., upon consent of counsel for Opposer, Mag Instrument, Inc., hereby moves to extend the time within which Applicant must answer for a period of thirty (30) days from May 11, 2004 up to and including June 10, 2004 to provide the parties time to explore settlement of this matter.

Mary Tuck, Esq., counsel for Opposer, consented to this Motion and the Extension by telephone on May 4, 2004.

An original and two copies of this Motion are submitted herewith.

A certificate of service upon counsel for Opposer is attached.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorney for Registrant
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: May 5, 2004
New York, New York

By: _____
Holly Pekowsky

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she is one of the attorneys for Applicant Magaschoni Apparel Group, Inc. in the captioned action, and that on the date which appears below she served copies of the annexed MOTION UPON CONSENT FOR EXTENSION OF TIME TO FILE ANSWER on Opposer Mag Instrument, Inc. by causing copies thereof to be placed in a depository under the care and custody of the United States Postal Service, First Class postage prepaid affixed thereto, addressed to the attorneys for Opposer, as follows:

Mary A. Tuck, Esq.
Jones Day
555 West Fifth Street
Los Angeles, California 90013-1025

Holly Pekowsky

Dated: May 5, 2004
New York, New York