

materials responsive to Applicant's request. It should also be noted that the individual responsible for compiling the requested materials for Opposer has also been unavailable during the past few weeks, due in part to other commitments and illness. Ex. A.

Opposer contacted Applicant for its consent to this extension, but Applicant did not respond. Ex. A., Decl. of Jeffrey A. Lindenbaum. Opposer received an email from Applicant's counsel today indicating that she did not yet receive a response from her client.

Respectfully submitted for Opposer,

By:



Jess M. Colten

Jeffrey A. Lindenbaum

COLLEN IP

The Holyoke-Manhattan Building

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Tel: (914) 941-5668

Dated: September 8, 2004

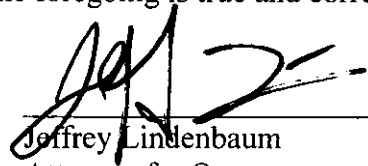
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	
	x
P.W. ALLEN & COMPANY,	x
	x
Opposer,	x
	x
v.	x Opp. No. 91,159,900
	x
CELESTRON ACQUISITION, INC.	x Serial No. 76/479,727
	x
Applicant.	x
	x
-----X	

DECLARATION OF JEFFREY A. LINDENBAUM

1. I am an attorney for Opposer, and I submit this declaration in support of Opposer's Motion for an Extension of Time to Respond to Applicant's Discovery Requests.
2. Our office has been informed that Opposer has been unable to assemble the requested materials due to other commitments and a brief absence due to illness. Because of the difficulties of coordinating responses to discovery requests from outside of the country, Opposer requests a thirty (30) day extension of the deadline to respond to Applicant's discovery requests.
3. On or about August 24, 2004, Opposer requested a thirty day extension of the initial deadline, but Applicant only granted two weeks until September 8, 2004 (requesting the same two-week extension for its deadline to Opposer's discovery requests).
4. Opposer contacted Applicant for its consent to this request on September 7 and 8, 2004, but as of the execution of the declaration, Applicant had not provided a response to this request. Opposer received an email from Applicant's counsel today indicating that she did not yet receive a response from her client.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed this 8th day of September 2004.



Jeffrey Lindenbaum
Attorney for Opposer

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL POSTAGE PREPAID IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR TRADEMARKS, BOX: TTAB – NO FEE, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202 on September 8, 2004.


COLLEN *IP*, THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE, OSSINING, NEW YORK 10562

By:  _____ Date: September 8, 2004

CERTIFICATE OF SERVICE

I, Peter Mulhern, hereby certify that Opposer's Motion for an Extension of Time to Respond to Applicant's Discovery Requests has been served upon the following attorney by First Class Mail, postage prepaid, on September 8, 2004:

Elizabeth L. Swanson, Esq.
Law Offices of Elizabeth L. Swanson
468 North Camden Drive, Suite 200
Beverly Hills, California 90210



Peter Mulhern