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Date of Deposit: November 15, 2004

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

Re: J. Kinderman & Sons, Inc. v. Intermatic Incorporated
Opposition No.: 91160366
Serial No.: 78/192,919
Our File No. 1390/855

Dear Sir/Madam:

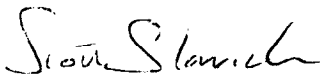
Enclosed for filing is the following document:

1. Stipulated Ninety-Day Extension of Time to Extend Discovery and Testimony Closing Dates (in triplicate).

The Commissioner is hereby authorized to charge payment of any additional filing fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

If you have any questions, please contact the undersigned at the above telephone number.

Sincerely,



Scott J. Slavick

SJS/jlc
Enclosures



11-18-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #64

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on:

11/15/14
Date of Deposit
Scott Slavick
Name of applicant, assignee, or
Registered Representative
Scott Slavick
Signature
11/15/14
Date of Signature

Our File No.
1390/855

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

**In the Matter of Serial No. 78/192,919
For the Mark: YARDSCAPES**

J. Kinderman & Sons, Inc., Opposer)
)
 v.) **Opposition No. 91160366**
)
Intermatic Incorporated, Applicant.)

**STIPULATED NINETY-DAY EXTENSION OF TIME TO
EXTEND DISCOVERY AND TESTIMONY CLOSING DATES**

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

Dear Sir:

Applicant, INTERMATIC INCORPORATED, by and through its attorneys, hereby respectfully requests that the closing date for discovery and testimony periods in this matter be extended for a period of ninety (90) days, as indicated below:

Discovery period to close: 2/17/2005

Testimony period for party in position of plaintiff to close (opening thirty days prior thereto) 5/18/2005

Testimony period for party in position of defendant to close (opening thirty days prior thereto) 7/17/2005

Rebuttal testimony period to close 8/31/2005

This stipulated motion for an extension of time is made for good cause and not for the purpose of delay. This extension is needed because Applicant and Opposer are arranging for discovery depositions and the production of numerous documents. In addition, Applicant and Opposer may discuss settlement during this time as well.

Counsel for Opposer, J. KINDERMAN & SONS, INC., Jordan A. LaVine, consented to this extension in correspondence to Applicant's counsel on November 15, 2004.

This Stipulated Ninety-Day Extension of Time To Extend Discovery and Testimony Closing Dates is submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Respectfully submitted,

INTERMATIC INCORPORATED

Date: November 15, 2004

By: 

Thomas M. Williams
Scott J. Slavick
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing STIPULATED NINETY-DAY EXTENSION OF TIME TO EXTEND DISCOVERY AND TESTIMONY CLOSING DATES was served on opposing counsel by facsimile and first class mail on this 15th day of November, 2004, addressed as follows:

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