

TTAB

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May 3, 2005

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VIA FIRST CLASS MAIL

U.S. Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: Opposition No. 91161334
For the mark BIG ORANGE
U.S. Trademark Serial No. 78/229,283
Our Ref. N0025/287096


Dear Sir or Madam:

Enclosed please find Opposer Acuity Brands, Inc.'s Motion on Consent.

Please date and initial the attached postcard to confirm receipt of the referenced documents.

Please contact me, if you have any questions regarding this matter.

Sincerely,


Christopher M. Hanes

Enclosure

cc: Christopher J. Kellner



05-06-2005

U.S. Patent & TMO/TM Mail Rpt Dt. #64

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

ACUITY BRANDS, INC.,)
)
 Opposer,)
) Opposition No. 91161334
 v.) Serial No. 78/229,283
) TM: BIG ORANGE
 TURTLE WAX, INC.,) Published December 2, 2003
)
 Applicant.)
_____)

MOTION ON CONSENT

Opposer Acuity Brands, Inc. hereby moves that Opposer's time to answer Applicant Turtle Wax, Inc.'s Motion for Judgment on the Pleadings in connection with the above-referenced proceeding be extended for thirty (30) days, from May 3, 2005, through and including June 2, 2005.

As grounds for this request, Opposer states that the parties are discussing settlement and make the above request for this purpose. Opposer additionally notes that counsel for Applicant consented to this request by telephone and that by consenting to this request, Applicant does not waive its request in its Motion For Judgment on the Pleadings that the Board suspend all discovery and trial dates. Based on the foregoing it is respectfully requested that this motion on consent be approved.

Dated: May 3, 2005

Respectfully submitted,

KILPATRICK STOCKTON LLP
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Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500



~~William H. Brewster~~
Christopher J. Kellner
Christopher M. Hanes
Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on May 3, 2005.


Christopher M. Hanes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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 Applicant.)

CERTIFICATE OF SERVICE

This is to certify that the foregoing MOTION ON CONSENT has been served on counsel for Applicant by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

Lisa Parker Gates
Baker & McKenzie
One Prudential Plaza 130 E. Randolph Dr.
Chicago Illinois 60601

This 3rd day of May, 2005.


Christopher M. Hanes