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

Proceeding	91161373
Party	Plaintiff American Italian Pasta Company
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Submission	Opposition/Response to Motion
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Date	02/13/2006
Attachments	AIPC's Response to the Request for Reconsideration.pdf (2 pages)

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

AMERICAN ITALIAN PASTA
COMPANY,

Opposer

v.

BARILLA G. E R. FRATELLI-SOCIETA
PER AZIONI,

Applicant.

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Opposition No. 91161373

**OPPOSER'S BRIEF IN RESPONSE TO THE REQUEST FOR RECONSIDERATION
AND/OR CORRECTION OF JANUARY 4, 2006 BOARD ORDER**

Opposer American Italian Pasta Company herein responds to Applicant's *Request for Reconsideration and/or Correction of January 4, 2004 Board Order*. To the extent that the Board's Order of January 4, 2006, has overlooked the submissions of the Parties on the issue of extending discovery (as opposed to extension of the trial dates), Opposer agrees that reconsideration is in order. However, it is Opposer's position that discovery was closed as of November 1, 2006, and should remain so for the reasons set forth in Opposer's opposition to Applicant's Motion. Further, and even if the discovery period is reopened, all discovery is stayed pending the disposition of Applicant's Motion for Summary Judgment.

Prior to the January 4 Board Order, the discovery period had already closed on November 1, 2005 (per the Order dated September 14, 2005). Applicant sought a de facto unilateral extension of the discovery period. In response, and as argued in Opposer's Brief, filed November 9, 2005, any discovery served after November 1, 2005, should be deemed untimely. However, if the Board determines that the discovery period shall be reopened, the unilateral

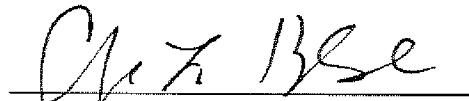
benefit sought by Applicant should be denied and further discovery should be equally available to the parties.

Even if the discovery period has been or will be reopened, all discovery is stayed during the pendency of Applicant's Motion for Summary Judgment, which was filed on January 30, 2006, and per the Board's Order dated February 9, 2006. As such, Applicant's Motion and Request should be considered moot, or at least a ruling deferred pending a decision on the pending Summary Judgment Motion.

Dated: February 9, 2006

Respectfully submitted,

HOVEY WILLIAMS LLP



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CERTIFICATE OF SERVICE

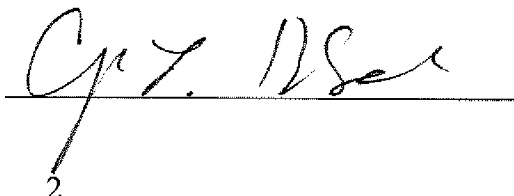
I hereby certify that on the 13th day of February, 2006, I served the foregoing by causing a true copy thereof to be sent via first class, postage paid, to the following:

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