

ESTTA Tracking number: **ESTTA244784**

Filing date: **10/24/2008**

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

Proceeding	91186498
Party	Defendant D'Amico Holding Company
Correspondence Address	STEPHEN R. BAIRD WINTHROP & WEINSTINE, P.A. 225 S 6TH ST STE 3500 MINNEAPOLIS, MN 55402-4629 UNITED STATES sbaird@winthrop.com
Submission	Other Motions/Papers
Filer's Name	Bradley J. Walz
Filer's e-mail	bwalz@winthrop.com, trademark@winthrop.com, sbaird@winthrop.com
Signature	/Bradley J. Walz/
Date	10/24/2008
Attachments	Motion for Extension.pdf ( 4 pages )(130844 bytes )

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

In the matter of Application Ser. Nos.: 77/117,561; 77/127,167; 77/127,164; 77/119,108;  
77/118,874; 77/117,564

For the marks: D'AMICO & SONS and D'AMICO & SONS and Design

---

D&D Italia S.p.A.,

Opposer,

v.

Opposition No. 91186498

D'Amico Holding Company,

Applicant.

---

**MOTION FOR AN EXTENSION OF THE TIME TO ANSWER WITH CONSENT**

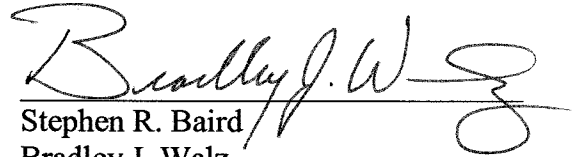
Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and 37 C.F.R. 2.114(b)(2)(iv) (2008), D'Amico Holding Company ("Applicant") hereby moves the Trademark Trial and Appeal Board ("Board") for a 60-day extension to answer the Notice of Opposition. On October 24, 2008, Applicant electronically filed a consented motion to extend Applicant's time to answer the Notice of Opposition using the Trademark Trial and Appeal Board's (the "Board") online forms. However, Applicant unintentionally selected the counterclaim box, which caused the institution order to include deadlines that are irrelevant to this proceeding. Therefore, Applicant is filing this motion to correct the errors contained in the first motion filed electronically with the Board's forms.

Applicant received D&D Italia's consent to file this motion to extend Applicant's time to answer the Notice of Opposition by 60 days. Therefore, the parties respectfully request that the

Board grant their Motion for an Extension of the Time to Answer with Consent and adopt the schedule included on the attached Exhibit A.

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.

A handwritten signature in black ink, appearing to read "Bradley J. Walz", written over a horizontal line.

Stephen R. Baird

Bradley J. Walz

225 South Sixth Street, Suite 3500

Minneapolis, MN 55402

Telephone: (612) 604-6400

Facsimile: (612) 604-6800

ATTORNEYS FOR APPLICANT  
D'AMICO HOLDING COMPANY

Dated: October 24, 2008

**EXHIBIT A**

Time to Answer	12/27/2008
Deadline for Discovery Conference	01/26/2009
Discovery Opens	01/26/2009
Initial Disclosures Due	02/25/2009
Expert Disclosures Due	06/25/2009
Discovery Closes	07/25/2009
Plaintiff's Pretrial Disclosures	09/08/2009
Plaintiff's 30-day Trial Period Ends	10/23/2009
Defendant's Pretrial Disclosures	11/07/2009
Defendant's 30-day Trial Period Ends	12/22/2009
Plaintiff's Rebuttal Disclosures Due	01/06/2010
Plaintiff's 15-day Rebuttal Period Ends	02/05/2010

4108938v1

