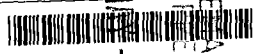


TY46

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

WALTON & POST, INC.,)
)
Petitioner,)
vs.)
)
AGWAY, INC.)
)
Respondent.)

Cancellation No. 27,418



04-29-2002 9:23
 U.S. Patent & TMO/TM Mail Room Dt. #66
 TRADEMARK TRIAL AND APPEAL BOARD

AGREED MOTION FOR FURTHER EXTENSION OF DISCOVERY DATES

COMES NOW the Petitioner, Walton & Post, Inc. ("Petitioner"), and moves for a further extension of the discovery dates in the amount of sixty (60) days.

The requested extension is not for purposes of mere delay. The parties to the above-styled cancellation proceeding have earnestly engaged in the process of discussing settlement, and as a result, more time is needed to complete discovery in this matter should the parties be unable to reach an agreement. The undersigned is currently awaiting a final settlement document from opposing counsel.

Counsel for Respondent, Lorrie Turner-Proulx, Esq. has consented to this extension.

WHEREFORE, the Petitioner moves for an extension of the discovery dates in the amount of sixty (60) days as follows:

- | | |
|--|--------------------|
| THE PERIOD FOR DISCOVERY TO CLOSE: | June 25, 2002 |
| Testimony period for party in position of plaintiff to close (opening 30 days prior thereto) | September 23, 2002 |
| Testimony period for party in position of defendant to close (opening 30 days prior thereto) | November 22, 2002 |

J.P.

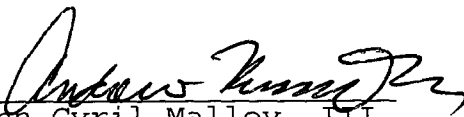
Rebuttal testimony period to close
(opening 15 days prior thereto)

January 6, 2003

Respectfully submitted,

Dated: April 26, 2002

By:



John Cyril Malloy, III
Florida Bar No. 964,220
Andrew W. Ransom
Florida Bar No. 964,344
MALLOY & MALLOY, P.A.
2800 S.W. 3rd Avenue
Miami, Florida 33129
Attorneys for Petitioner
Telephone: (305) 858-8000
Facsimile: (305) 858-0008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing AGREED MOTION FOR FURTHER EXTENSION OF DISCOVERY DATES was served upon Lorrie Turner-Proulx, Esq., HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR, LLP., attorneys for Respondent, 1800 One M&T Plaza, Buffalo, New York 14203, by United States mail, postage pre-paid this 26th day of April, 2002.

Respectfully submitted,

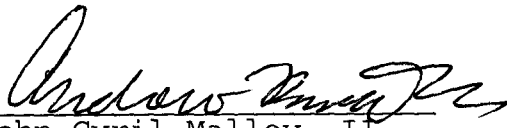
By:


John Cyril Malloy, III
Florida Bar No. 964,220
Andrew W. Ransom
Florida Bar No. 964,344

CERTIFICATE OF MAILING

I HEREBY CERTIFY that an original and two copies were deposited by United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Attn: T.T.A.B., "Box TTAB", 2900 Crystal Drive, Arlington, Virginia 22202-3513, this 26th day of April, 2002.

Respectfully submitted,

By: 
John Cyril Malloy, II
Florida Bar No. 964,220
Andrew W. Ransom
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