


TTAB
Trademark

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

MAG INSTRUMENT, INC.,)	Cancellation No. 92040103
)	
Petitioner)	Registration No. 2,198,795
)	Date of Issue: October 20, 1998
v.)	Trademark: E-MAG
MAGASCHONI APPAREL GROUP, INC.)	International Class: 25
)	
Registrant.)	

BOX TTAB
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514


12-16-2003
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

CONSENTED MOTION TO FURTHER CONTINUE AND RESET DISCOVERY AND
TESTIMONY PERIODS

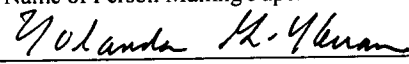
Petitioner Mag Instrument, Inc. ("Petitioner") filed a petition to cancel Trademark Registration No. 2,198,795. On September 10, 2003, Mag Instrument filed a Consented Motion to Continue and Reset Discovery and Testimony Periods, based on settlement negotiations between the parties. That Motion was subsequently granted. The parties have made progress toward settling this matter but have not yet been able to finalize a settlement. In that regard, the parties have exchanged letters containing proposed terms for a settlement agreement and certain of the proposed terms

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to BOX TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

EL 975107402 US
Express Mail Label No.

December 12, 2003
Date of Deposit
LAI-2078216v1

Yolanda G. Ybuan
Name of Person Mailing Paper

Signature of Person Mailing Paper

tentatively appear acceptable to both parties. The parties are still negotiating other of the terms but believe that they are making significant progress toward settling this cancellation as well as a number of other related oppositions. Due to the holidays and for other reasons, the parties need additional time to continue negotiations.

Accordingly, in order to avoid unnecessary expenditures in the event that a settlement is reached, the parties have agreed to further extend all discovery and testimony periods by 60 days.

Therefore, the parties have agreed to the following extensions:

- Discovery period to close: March 19, 2004
- 30-day testimony period for party in position of plaintiff to close: June 17, 2004
- 30-day testimony period for party in position of defendant to close: August 17, 2004
- 15-day rebuttal testimony period for plaintiff to close: October 1, 2004

Counsel for Registrant, Holly Pekowsky, agreed to the extensions set forth in an email on December 12, 2003. Accordingly, Petitioner seeks that the consented motion be granted.

Respectfully submitted,

JONES DAY

Dated: Dec. 12, 2003

By: Mary A. Tuck
 Mary A. Tuck
 Reg. No. 47,144
 Attorney for Registrant
 555 West Fifth Street, Suite 4600
 Los Angeles, California 90013-1025
 (213) 489-3939