

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

U.S. Patent & TMO/TM Mail Post D1 #57

08-27-2002

Richter & Greif
Feinkost GmbH & Co.,
Petitioner

v.

Tree of Life, Inc.,
Respondent

Cancellation No. 92040771

**MOTION TO EXTEND TIME
FOR FILING AN ANSWER TO THE PETITION FOR CANCELLATION**

Respondent hereby moves for an extension of time within which to file an Answer to the Petition for Cancellation filed in connection with the above captioned cancellation proceeding, which Petition seeks cancellation of Respondent's registration for the mark RICHTER'S.

Respondent's counsel and Petitioner's counsel have communicated in an effort to resolve the dispute underlying this cancellation proceeding. To allow additional time for such communications, Petitioner's counsel encouraged Respondent to request a sixty (60) day extension of time within which to file its Answer to the Petition for Cancellation, and offered consent to such an extension. Such consent was given verbally, via voice mail message.

Accordingly, Respondent hereby requests that the Trademark Trial and Appeal Board (the "Board") grant Respondent a sixty (60) day extension of time within which to file its Answer.

Upon the granting of Respondent's motion, the new deadline for Respondent to file an Answer to the Petition for Cancellation would be **October 28, 2002**, the first business day following the conclusion of the sixty (60) day extension period.

This motion is being filed in triplicate, to allow the Board to return a copy of the motion to Petitioner and Respondent, provided that the motion is granted. A copy of this motion is also being served on Petitioner's counsel, as attested in the Certificate of Service attached to the letter transmitting this motion.

Respectfully submitted,
Tree of Life, Inc.

By: 
Anjanette Plichta Stinson

Counsel to Respondent

Anjanette Plichta Stinson
McGuireWoods LLP
One James Center
901 East Cary Street
Richmond, Virginia 23219
Direct Phone: 804.775.1194
Direct Fax: 804.698.2236
E-Mail: astinson@mcguirewoods.com

Petitioner: Richter & Greif Feinkost GmbH & Co.
Respondent: Tree of Life, Inc.
Cancellation Number: 92040771
Mark: RICHTER'S
Registration Number: 1,258,711
Registration Date: November 22, 1983

U.S. Patent & TMO's (TM Mail Rcpt. Dt. #57

08-27-2002

FILING PURSUANT TO CERTIFICATE OF MAILING
BY "EXPRESS MAIL" PROCEDURE PURSUANT TO 37 C.F.R. §1.10

I hereby certify that on this 27th day of August, 2002, three copies of the attached Motion to Extend Time for Filing an Answer to the Petition for Cancellation filed in connection with the above identified cancellation proceeding are being deposited with the United States Postal Service via Express Mail in an envelope addressed to:

Box TTAB – NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513.


Anjanette Plichta Stinson

Express Mail Receipt No.

EV101330023US

THEREFORE, PURSUANT TO 37 C.F.R. §1.10, THIS CORRESPONDENCE SHOULD BE ACCORDED A FILING DATE OF AUGUST 27, 2002, REGARDLESS OF THE DATE IT IS ACTUALLY RECEIVED BY THE TRADEMARK TRIAL AND APPEAL BOARD.

SERVICE PURSUANT TO CERTIFICATE OF MAILING PROCEDURE
PURSUANT TO 37 C.F.R. §2.119

I hereby certify that on this 27th day of August, 2002, one copy of the attached Motion to Extend Time for Filing an Answer to the Petition for Cancellation filed in connection with the above identified cancellation proceeding is being served upon counsel to Petitioner, Robert M. Haroun, by being deposited with the United States Postal Service via First Class Mail, with sufficient postage, in an envelope addressed to:

Robert M. Haroun, Esquire
Sofer & Haroun, LLP
317 Madison Avenue
Suite 910
New York, New York 10017.


Anjanette Plichta Stinson

TTAB

McGuireWoods LLP
One James Center
901 East Cary Street
Richmond, VA 23219-4030
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguirewoods.com

Anjanette Plichta Stinson
Direct: 804.775.1194
Direct Fax: 804.698.2236
astinson@mcguirewoods.com

McGUIREWOODS

August 27, 2002

U.S. Patent & TMO/TM Mail Rcpt. Dt. #57
[Redacted]
08-27-2002

Via Express Mail

Box TTAB – NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

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TRADEMARKS AND
REGISTERED MAIL AND

Petitioner:	Richter & Greif Feinkost GmbH & Co.
Respondent:	Tree of Life, Inc.
Cancellation Number:	92040771
Mark:	RICHTER'S
Registration Number:	1,258,711
Registration Date:	November 22, 1983
MW Reference Number:	2031993-6310

Dear Sir or Madam:

Enclosed for filing on behalf of Respondent are three copies of a Motion to Extend Time for Filing an Answer to the Petition for Cancellation filed by Petitioner in connection with the above identified cancellation proceeding. Such motion is made with the consent of Petitioner, and a copy of the motion is being served on counsel to Petitioner, as attested by the attached Certificate of Service.

If you have any questions regarding this matter, or if you require any additional information, please contact me.

Sincerely,


Anjanette Plichta Stinson

Enclosures

cc: Mr. Greg Leonard (w/ enclosures)
Mr. John McLennan (w/ enclosures)
John W. Burke III, Esquire (w/o enclosures)
Barbara Christie Johnston, Esquire (w/o enclosures)