

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Baxley

Mailed: December 5, 2002

Opposition No. 117,623

RaceTrac Petroleum, Inc.

v.

ETW Corporation

**Andrew P. Baxley, Interlocutory Attorney:**

Applicant's motions (filed May 24, 2002, June 18, 2002, July 12, 2002, August 2, 2002, August 23, 2002, September 13, 2002 and October 13, 2002) to extend testimony periods are hereby granted as conceded.<sup>1</sup> See Trademark Rule 2.127(a).

The Board notes that applicant has filed seven unconsented motions to extend its testimony in this proceeding, each of which alleges that "ongoing and unanticipated scheduling conflicts in other matters have prevented counsel for [a]pplicant from completing the necessary testimony during the assigned period." Opposer is entitled to have this proceeding move forward without undue

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<sup>1</sup> Applicant is advised, however, that proposed dates should not be included in unconsented motions to extend. The better practice is to request an extension of a specific length to run from the mailing date of the Board's decision thereon. See TBMP Section 509.02.

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delay. Accordingly, applicant is advised that no further extensions to its testimony period will be granted without opposer's consent thereto or a showing of extraordinary circumstances.

Remaining testimony periods are reset as follows:

Defendant's 30-day testimony period to close: **1/24/03**

15-day rebuttal testimony period to close: **3/10/03**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.