

TTAB

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



04-14-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

RaceTrac Petroleum, Opposer

v.

ETW Corporation, Applicant

Opposition No. 117,623

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to Box TTAB No Fee, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date shown below:

Barbara A. Murphy

04-10-2003

April 10, 2003

COMM - S
K 117623
16011

APPLICANT'S MOTION TO EXTEND THE TESTIMONY PERIOD

Applicant ETW Corporation hereby moves to extend the testimony period for Applicant and the rebuttal testimony period of Opposer RaceTrac Petroleum, Inc. Pursuant to prior requests to extend the schedule, Applicant's testimony period is scheduled to close on April 10, 2003. Applicant requests that this period be extended by one month until May 10, 2003. Applicant submits that good cause exists for this extension because of personal commitments and ongoing and unanticipated scheduling conflicts that have arisen in other matters have prevented counsel for Applicant from completing the necessary testimony during the assigned period. Applicant submits that this extension would not unnecessarily delay the proceedings in this matter and would allow the testimony period to be completed.

Opposition No. 117,623
Mark: RACEWAY & Design
Serial No. 75/321,745

Resetting of the dates is respectfully requested. If granted, this would reschedule times as follows:

	<u>Present Date:</u>	<u>New Date:</u>
30-day Testimony period for party in position of defendant to close (opening thirty (30) days prior thereto)	April 10, 2003	May 10, 2003
15-day Rebuttal Testimony period to close (opening fifteen (15) days prior thereto)	May 30, 2003	June 30, 2003

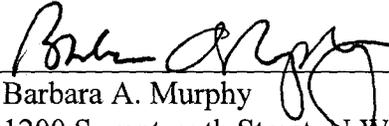
Based on the Opposer's opposition to Applicant's most recent request, Opposer will oppose this extension. Applicant submits, however, that a final one-month extension in this matter would not prejudice the Opposer, whose registrations are in full force and effect, despite the pendency of this proceeding.

Opposition No. 117,623
Mark: RACEWAY & Design
Serial No. 75/321,745

For the foregoing reasons, Applicant respectfully requests that the proposed rescheduling be granted.

Respectfully submitted,

Adduci, Mastriani & Schaumberg, L.L.P.

By: 
Barbara A. Murphy
1200 Seventeenth Street, N.W.
Fifth Floor
Washington, D.C. 20036
Tel: (202) 467-6300
Fax: (202) 466-2006

Attorney for Applicant
ETW Corporation

Dated: April 10, 2003
ETW700803

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S MOTION TO EXTEND THE TESTIMONY PERIOD was served as indicated below, April 10, 2003, on the party listed below:

Racetrac Petroleum, Inc.

Joan L. Dillon, Esq.
Joan Dillon Law, LLC
3530 Ashford Dunwoody Road, PMB 235
Atlanta, Georgia 30319

- U.S. Mail Postage Prepaid
- Hand Delivered
- Federal Express
- Facsimile


ADDUCI, MASTRIANI & SCHAUMBERG, L.L.P.
1200 Seventeenth Street, N.W.
Fifth Floor
Washington, D.C. 20036