

TTAB



11-10-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

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

CHIEF CLERK

In the Matter of Trademark Application  
Serial No. 75/741,795 for the mark  
RUSH NEW MEDIA

-----X  
RUSSELL SIMMONS, :  
: :  
Opposer, : :  
: :  
-against- : :  
: :  
KERRY COLIN KEANE, : :  
: :  
Applicant. : :  
-----X

Opposition No. 122,816

<u>Certificate of Mailing by Express Mail</u>	
I, Marie DeNatale hereby certify that this correspondence is being deposited as "Express Mail" with the United States Postal Service addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 Attn: TTAB on the date indicated below.	
Signed:	<i>Marie DeNatale</i>
Date of Deposit:	11/9/01
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**REQUEST TO EXTEND DISCOVERY, TESTIMONY  
AND BRIEFING PERIODS, ON CONSENT**

Opposer, Russell Simmons, and Applicant, Kerry Colin Keane, request an extension of the discovery, testimony and briefing periods for three (3) months on the grounds that the parties require additional time to pursue and complete discovery.

The parties have been attempting to resolve this Opposition on an amicable basis and have been negotiating in good faith. The additional time requested will allow the parties to complete those discussions and to pursue discovery, if necessary. This is the parties' first request for an extension of the discovery, testimony and briefing periods after the May 10, 2001 Order setting the discovery, testimony and briefing periods.

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The discovery, testimony and briefing periods will be revised as follows:

Discovery Period to close:	February 26, 2002
Testimony period for party in position of plaintiff to close: (opening thirty day prior thereto)	May 24, 2002
Testimony period for party in position of defendant to close: (opening thirty day prior thereto)	July 25, 2002
Rebuttal testimony period to close: (opening fifteen days prior thereto)	September 9, 2002

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.

Consent to this extension of the current discovery, testimony and briefing periods was granted by G. Roxanne Elings, Esq., counsel for Applicant, in a telephone call with Nicole E. Miller, Esq., counsel for Opposer on November 7, 2001.

Dated: November 9, 2001

Respectfully submitted,



Brad D. Rose, Esq.  
Nicole E. Miller, Esq.

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Attorneys for Opposer,  
Russell Simmons

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I, Marie DeNatale, hereby certify that a true and correct copy of a REQUEST TO EXTEND DISCOVERY, TESTIMONY AND BRIEFING PERIODS, ON CONSENT is being served by “Express Mail” by depositing the same as Express Mail with the United States Postal Service and addressed to counsel for Applicant Kerry Colin Keane, on November 9, 2001 at the address set forth below:

G. Roxanne Elings, Esq.  
Greenberg Traurig LLP  
885 Third Avenue  
New York, New York 10022-4834

Signed: 