

ESTTA Tracking number: **ESTTA22245**

Filing date: **12/29/2004**

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

Proceeding	91160173
Party	Plaintiff FLEXICON CORPORATION FLEXICON CORPORATION 1375 STRYKER'S ROAD (HARMONY) PHILLIPSBURG, NJ 088655269
Correspondence Address	JOHN J. O'MALLEY VOLPE AND KOENIG P C UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103
Submission	Combined Motion to Compel Discovery and Extend Testimony Periods
Filer's Name	John J. O'Malley
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Signature	/John J. O'Malley/
Date	12/29/2004
Attachments	Motion to Compel.pdf (2 pages)

TRADEMARK

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

In the Trademark Opposition of

Mark: FLEX-FLO
Serial No.: 78/207,821
Filed: January 28, 2003
Published: December 16, 2003 at TM1225

Flexicon Corporation,
Opposer

v.

Timothy C. Bonerb,
Applicant

Opposition No. 91160173

Date: December 29, 2004

**OPPOSER'S COMBINED MOTION TO COMPEL DISCOVERY RESPONSES
AND FOR EXTENSION OF TESTIMONY PERIODS**

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

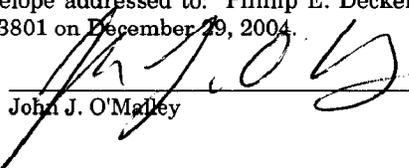
Opposer, Flexicon Corporation, hereby moves for an Order compelling production of documents and answers to interrogatories in response to Opposer's First Set of Requests for Production of Documents and Opposer's First Set of Interrogatories.

Opposer's First Request for Production of Documents and First Set of Interrogatories were served on November 1, 2004. As of the date of filing this

* * *
Certificate of Mailing and Service

I hereby certify that Opposer's Combined Motion To Compel Discovery Responses And For Extension Of Testimony Periods is being served via pre-paid first class mail in an envelope addressed to: Phillip E. Decker, Esquire, 1 New Hampshire Avenue, Suite 125, Portsmouth, New Hampshire, 03801 on December 29, 2004.

12-29-04
Date of Signature


John J. O'Malley

motion, Applicant has yet to respond in any way, or submitted documents or materials of any kind in response to Opposer's interrogatories or document requests. See Fed.R.Civ.P. 34(b).

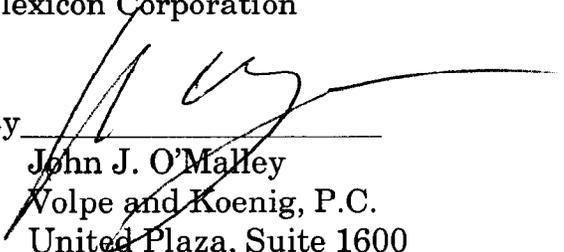
Based on Applicant's failure to respond to serve any response to Opposer's First Request for Production of Documents or First Set of Interrogatories, Opposer respectfully requests that the Board enter an order compelling full and complete responses to Opposer's within ten (10) days of entry of the order.

In view of the fact that the Opposer's testimony period opens on January 1, 2005, Opposer respectfully believes there is good cause for resetting the testimony periods and requests that the date set for the Opposer's testimony period be extended by sixty days from the date Applicant's full and complete responses to the aforementioned requests are received by Opposer.

Respectfully submitted,

Flexicon Corporation

By


John J. O'Malley
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Attorney for Opposer

Date: December 29, 2004