

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

Fred Wisniewski, a/k/a Captain Rat,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 20,442
	)	
Captain Rat and the Blind Rivets,	)	
	)	
Respondent.	)	

**MOTION TO EXTEND DISCOVERY  
AND TESTIMONY PERIODS  
AND  
TO EXTEND DATE FOR  
SERVICE OF DEPOSITION TRANSCRIPTS**

Petitioner, Fred Wisniewski, a/k/a Captain Rat, hereby requests that the discovery and testimony periods be extended sixty (60) days as follows:

Testimony period for party in position of plaintiff to close	July 14, 2006
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	September 8, 2006
Rebuttal testimony period to close (opening fifteen days prior thereto)	October 23, 2006

Petitioner further requests that the deadline for the service of deposition transcripts for the depositions that were completed be extended sixty (60) days to July 16, 2006.

The extension is requested to allow the parties additional time to complete and execute the agreement resolving this matter. As previously stated, petitioner has signed the settlement agreement prepared by respondent and forwarded it to respondent. Since the last extension request, there have been a number of communications between the parties, the most recent of which was a



telephone conference between respondent Roger Prillaman, Esq. and petitioner's counsel, Stephen Hough, Esq. on May 15, 2006. During the May 15, 2006 telephone conference, Mr. Prillaman informed Mr. Hough that respondent would be forwarding the signed settlement agreement together with an addendum. The requested extension accordingly is necessary to allow petitioner time to receive the signed agreement from respondent and for the parties to take steps in accordance with the agreement. In further support of the motion, petitioner notes that petitioners took the testimony deposition of three of respondents' principals and that respondents' principals have not yet reviewed, signed or returned the deposition transcripts or signature pages.

SMART & BOSTJANCICH

By: Patricia S. Smart  
Patricia S. Smart  
John Bostjancich  
19 South LaSalle  
Suite 1300  
Chicago, Illinois 60603  
(312) 857-2424

CROEGAERT CLARK & HOUGH  
Stephen J. Hough  
305 E. Main Street  
Olney, Illinois 62450  
(618) 395-7363

Attorneys For Petitioner

**CERTIFICATE OF SERVICE**

I, Patricia S. Smart, hereby certify that a copy of the foregoing Motion To Extend Discovery And Testimony Periods And To Extend Date For Filing And Service Of Deposition Transcripts was served upon Respondent, Captain Rat And The Blind Rivets, 220 W. Main Street, Urbana, Illinois 61801 and Roger L. Prillaman, Prillaman & Moore Ltd., 220 W. Main Street, Urbana, Illinois 61801, by first class mail, postage prepaid, this 15<sup>th</sup> day of May 2006.

Patricia S. Smart  
Attorneys For Petitioner

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on May 15, 2006.

Date: May 15, 2006

Patricia S. Smart