

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

Fred Wisniewski, a/k/a Captain Rat,)
)
 Petitioner,)
)
 v.)
)
 Captain Rat and the Blind Rivets,)
)
 Respondent.)

Cancellation No. 20,442

TTAB
00020422

**MOTION TO EXTEND DISCOVERY
AND TESTIMONY PERIODS**

Petitioner, Fred Wisniewski, a/k/a Captain Rat, hereby requests that the discovery and testimony periods be extended two weeks as follows:

- | | |
|--|-------------------|
| Testimony period for party in position of plaintiff to close | October 15, 2004 |
| Testimony period for party in position of defendant to close (opening thirty days prior thereto) | December 14, 2004 |
| Rebuttal testimony period to close (opening fifteen days prior thereto) | January 28, 2005 |

The extension is requested to give petitioner time to complete the introduction of testimony if the matter is not resolved by agreement prior to that date. As previously noted, on Thursday, September 23, 2004, the parties agreed to postpone the completion of testimony depositions while respondent prepared a settlement agreement for petitioner's review. Respondent has forwarded a draft agreement, which is being reviewed. The extension is requested to allow the parties additional time to focus on settlement.



10-12-2004

Respectfully submitted,

SMART & BOSTJANCICH

By: Patricia Smart

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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 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 1st day of October 2004.

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, 2900 Crystal Drive, Arlington VA 22202-3514, on October 1, 2004.

PATRICIA S. SMART

Date: October 1, 2004

Patricia S. Smart