

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.)

TTAB

Cancellation No. 20,442

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

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 29, 2004 |
| Testimony period for party in position of defendant to close (opening thirty days prior thereto) | December 28, 2004 |
| Rebuttal testimony period to close (opening fifteen days prior thereto) | February 11, 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, the parties have been engaged in settlement negotiations and are working to finalize a written agreement resolving this matter. Additional time is needed to complete their efforts.

Petitioner further requests that the deadline for the service and filing of deposition



10-19-2004

transcripts for the depositions that were completed be extended thirty (30) days to November 21, 2004. This extension is requested both because the parties have been focusing their attention on settlement and because petitioner is waiting for the respondents, whose testimony was taken, to review and return the signed deposition transcripts.

Respectfully submitted,

SMART & BOSTJANCICH

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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 15th 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, P.O. Box 1451, Alexandria, VA 22313-1451, on October 15, 2004.

PATRICIA S. SMART

Date: October 15, 2004

Patricia S. Smart