

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



10-01-2004

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #00

**AGREED MOTION TO EXTEND DISCOVERY
AND TESTIMONY PERIODS**

Petitioner, Fred Wisniewski, a/k/a Captain Rat, with the consent of respondent, hereby requests that the discovery and testimony periods be extended four (4) days as follows:

- Testimony period for party in position of plaintiff to close October 1, 2004
- Testimony period for party in position of defendant to close (opening thirty days prior thereto) November 30, 2004
- Rebuttal testimony period to close (opening fifteen days prior thereto) January 14, 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. 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. The parties further agreed to extend petitioner's testimony period through October 1, 2004 to allow petitioner time to complete testimony if necessary.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patricia S. Smart, hereby certify that a copy of the foregoing AGREED MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS was served Respondent, Captain R at 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 27th day of September 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 September 27, 2004.

PATRICIA S. SMART

Date: September 27, 2004

Patricia S. Smart