

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



12-20-2004

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #39

**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 thirty (30) days as follows:

- | | |
|--|------------------|
| Testimony period for party in position of plaintiff to close | January 11, 2005 |
| Testimony period for party in position of defendant to close (opening thirty days prior thereto) | March 13, 2005 |
| Rebuttal testimony period to close (opening fifteen days prior thereto) | April 26, 2005 |

The extension is requested because the parties have been focusing on settlement 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 transcripts for the depositions that were completed be extended thirty (30) days to January 20, 2005.

This extension is requested both because the parties have been focusing their attention on

settlement and because respondents, whose testimony was taken, have not yet reviewed and signed their deposition transcripts given the parties' focus on settlement.

Respectfully submitted,

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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 12th day of December 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 December 12, 2004.

PATRICIA S. SMART

Date: December 12, 2004

Patricia S. Smart