

TTAB

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 FILING  
AND 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	March 14, 2005
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	May 12, 2005
Rebuttal testimony period to close (opening fifteen days prior thereto)	June 27, 2005

The extension is requested because the parties are finalizing a written agreement resolving this matter. Additional time is needed to complete the agreement.

Petitioner further requests that the deadline for the service and filing of deposition transcripts for the depositions that were completed be extended six (60) days to March 21, 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,

SMART & BOSTJANCICH

By: John Bostjancich  
John Bostjancich  
Patricia S. Smart  
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, John Bostjancich, 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 10<sup>th</sup> day of January 2005.

John Bostjancich  
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 January 10, 2005.

JOHN BOSTJANCICH

Date: January 10, 2005

John Bostjancich