

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 sixty (60) days as follows:

Testimony period for party in position  
of plaintiff to close May 13, 2005

Testimony period for party in position  
of defendant to close (opening thirty days  
prior thereto) July 11, 2005

Rebuttal testimony period to close (opening  
fifteen days prior thereto) August 26, 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 May 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



03-17-2005

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transcripts given the parties' focus on settlement.

Respectfully submitted,

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### 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 14<sup>th</sup> day of March 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 March 14, 2005.

JOHN BOSTJANCICH

Date: March 14, 2005

John Bostjancich