

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



07-18-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

**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                                     | September 10, 2005 |
| Testimony period for party in position of defendant to close (opening thirty days prior thereto) | November 9, 2005   |
| Rebuttal testimony period to close (opening fifteen days prior thereto)                          | December 26, 2005  |

The extension is requested to allow the parties additional time to complete an agreement resolving this matter.

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 September 17, 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 12<sup>th</sup> day of July 2005.

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 July 12, 2005.

Date: July 12, 2005

Patricia S. Smart