

TTAB



11-14-2001

Attorney Docket: 07133.8050

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



800-PLUMBER, INC.,)
)
 Petitioner,)
)
 v.)
)
 BETH ELLEN CLINE,)
)
 Registrant.)

Cancellation No. 27,133 and 27,054

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

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**CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f)
AND TO RESPOND TO SUMMARY JUDGMENT MOTION**

On December 5, 2000, the Board issued an Order that (a) required Registrant to serve any remaining discovery within thirty (30) days of the mailing date of that Order (i.e., until January 4, 2001) and (b) provided Petitioner thirty days thereafter (i.e., until February 3, 2001) to complete its 56(f) discovery, including a previously noticed deposition of Registrant, and to file its response to Registrant's summary judgment motion.

As detailed in the prior extension requests, since the issuance of the Board's Order, Ms. Cline has provided further discovery and the parties have been working to schedule Ms. Cline's deposition. Ms. Cline's deposition finally was taken on November 6, 2001. During the deposition, Ms. Cline testified about documents responsive to the Board-ordered discovery that have not yet been provided to Petitioner. Further,

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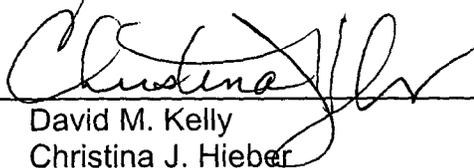
Petitioner only just received the deposition transcript of Ms. Cline's deposition. To allow for the completion of discovery and sufficient time for Petitioner to prepare its response to Ms. Cline's summary judgment motion, the parties have stipulated to a further thirty-day extension of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133.

Accordingly, the parties request at this time that the Board grant a further thirty (30) day extension of time, to and including December 15, 2001, of the current deadline. Victor Serby, counsel for Ms. Cline, consented to the thirty (30) day extension of time during a telephone conference with the undersigned counsel for Petitioner. This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: November 14, 2001

By: 

David M. Kelly
Christina J. Hieber
Attorneys for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY JUDGMENT MOTION was served on November 14, 2001 by first class mail, postage prepaid, on the following attorney for Registrant:

Victor M. Serby, Esq.
350 Fifth Avenue – Suite 6307
Empire State Building
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A handwritten signature in cursive script, appearing to read "Christina J. W.", is written over a horizontal line.

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