

Attorney Docket: 07133.8050

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

1-800-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

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

The parties hereby request that the deadline for Registrant, Beth Cline, to complete the Board-ordered 56(f) discovery and for Petitioner 1-800-Plumber, Inc. to respond to Registrant's summary judgment motion be extended for an additional thirty days to and including **March 15, 2002**.

As grounds for the extension, Petitioner advises the Board that Ms. Cline has not yet produced documents responsive to the Board ordered 56(f) discovery that Ms. Cline testified about during her deposition in November 2001. Petitioner has followed up with Ms. Cline's counsel, Victor Serby, on several occasions regarding the status of the production of the responsive documents. According to Mr. Serby, Ms. Cline continues to undergo medical tests and other procedures that have diverted her from searching for and providing the documents.

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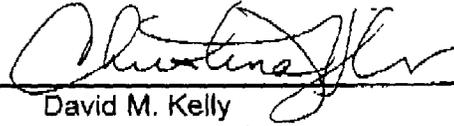
To allow Ms. Cline additional time to locate the documents and sufficient time for Petitioner to prepare its response to Ms. Cline's summary judgment motion upon receiving the documents, the parties have stipulated to the further thirty-day extension of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133. Victor Serby, counsel for Ms. Cline, consented to the thirty (30) day extension of time in correspondence with the undersigned counsel for Petitioner dated February 5, 2002.

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: February 12, 2002

By: 

David M. Kelly
Christina J. Hieber
Attorneys for Petitioner

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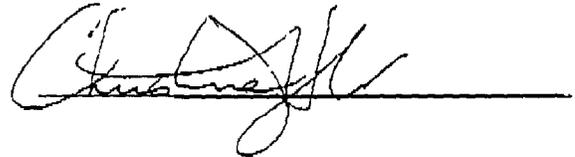
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CERTIFICATE OF SERVICE

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 February 12, 2002 by first class mail, postage prepaid, on the following attorney for Registrant:

Victor M. Serby, Esq.
350 Fifth Avenue - Suite 6307
Empire State Building
New York, New York 10118

A handwritten signature in black ink, appearing to read "Christopher J. Farbow", is written over a solid horizontal line.

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DMK/CJH/EPH

**PLEASE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:
IN THE USPTO - BEFORE THE TTAB**

1-800-PLUMBER, INC.,
Petitioner,

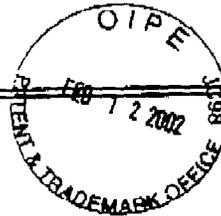
Cancellation No. 27,133 and 27,054

v.

BETH ELLEN CLINE
Registrant.

Document submitted:

1. Consented Motion to Extend Discovery Under Rule 56(f) and to Respond to Summary Judgment Motion;
2. Certificate of Service.



Date: February 12, 2002
Attorney Docket: 07133.8050
CJH/kt

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KS
2/13/02
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