

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 **April 14, 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 is currently hospitalized, which has diverted her from searching for and providing the documents.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP  
1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

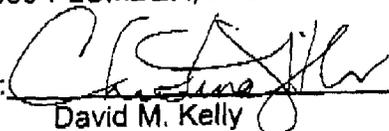
Mr. Serby indicated that Ms. Cline will try to provide the documents within the next thirty days.

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 March 8, 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.

By:   
David M. Kelly  
Christina J. Hieber  
Attorneys for Petitioner

Dated: March 8, 2002

298953\_1.DOC

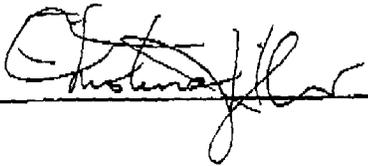
FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

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 March 8, 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



---

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER 

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

DMK/CJH/EPH

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

1-800-PLUMBER, INC.,  
Petitioner,

Cancellation Nos. 27,133 and 27,054

v.

BETH ELLEN CLINE,  
Registrant.

---

---

Documents submitted:

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

Date: March 8, 2002  
Attorney Docket: 07133.8050  
CJH/kt



PLEASE RETURN STAMPED POSTCARD TO KATHE THOMAS AT MD 810

*Oktd 03-12-02 pmg*

*now due 04-14-02*