

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

KAPALUA LAND CO., LTD.)
)
Petitioner,)
)
v.)
)
KAPALUA STRICKENWAREN GmbH)
)
Respondent.)

Cancellation No. 92/040,092
Reg. No. 2,016,976 and
2,115,124



TO: Box TTAB – NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

02-02-2006

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

MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS

Respondent hereby requests that the discovery period be extended from January 31, 2006 to April 16, 2006, and that discovery and the testimony periods be reset as follows:

- | | |
|--|--------------------|
| THE PERIOD FOR DISCOVERY TO CLOSE: | April 16, 2006 |
| Testimony period for party in position of plaintiff to close (opening thirty days prior thereto) | July 15, 2006 |
| Testimony period for party in position of defendant to close (opening thirty days prior thereto) | September 13, 2006 |
| Rebuttal testimony period to close (opening fifteen days prior thereto) | October 28, 2006 |

The basis for this motion is that respondent recently retained the undersigned as counsel in this proceeding. A change of correspondence was filed on December 1, 2005, and Revocation and Substitute Powers of Attorney appointing the undersigned in connection with the two registrations sought to be cancelled were also filed on December 1, 2005. Since becoming involved in this case, the undersigned has been diligent in moving this case along, including

responding to Petitioner's discovery requests and serving Respondent's discovery requests for which Petitioner served responses on January 31, 2006.

Moreover, Petitioner has proposed a Protective Order which the undersigned is considering.

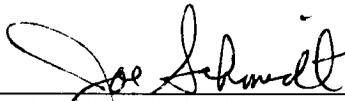
Co-pending Opposition No. 91124762 involves the same marks and parties (the U.S. Patent and Trademark Office assignment records are not updated yet), and the new discovery and testimony dates proposed by Respondent are the same as the dates in Opposition No. 91124762. It makes sense for both proceedings to be on the same schedule.

The additional time is needed to complete discovery. Respondent believes it will take about one month to obtain documents from a former U.S. distributor (the respondent/applicant is a German company) to produce in response to Petitioner's discovery requests.

For the foregoing reasons, this motion should be granted.

Respectfully submitted,

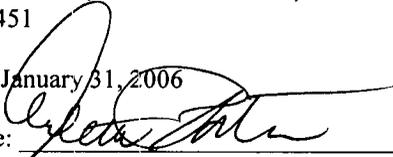
Dated: January 31, 2006

By: 
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail and is addressed to the Box TTAB – No FEE, Commissioner For Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451

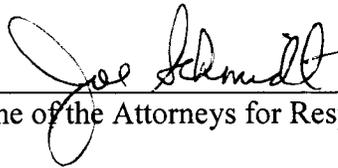
Date: January 31, 2006

Signature: 
Print: Arlette Porter

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **MOTION TO EXTEND DISCOVERY AND TESTIMONY** was served by first class mail, postage pre-paid, on this 31st day of January 2006 upon:

W. Mack Webner
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One of the Attorneys for Respondent