

TTAB

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

In the Matter of:
Trademark Registration No. 2,375,219
For: CUZCATLAN COLA CHAMPAGNE and Design
International Class: 32
and
Trademark Registration No. 2,396,051
For: CUZCATLAN and Design
International Class: 32
and
Trademark Registration No. 2,423,027
For: CUZCATLAN and Design
International Class: 32
and
Trademark Registration No. 2,433,109
For: CUZCATLAN ROJITA and Design
International Class: 32
and
Trademark Registration No. 2,463,527
For: CUZCATLAN COLA CHAMPAGNE and Design
International Class: 32

GEORGE CONTOS and NEIL PRYOR)
)
) Petitioners)
)
 vs.) Cancellation No. 92043017
)
 C.B.I. INTERNATIONAL, INC.)
 F/K/A CUZCATLAN BEVERAGES, INC.)
)
) Registrant.)
)
)

PETITIONERS' SECOND MOTION TO EXTEND TIME FOR
PETITIONERS TO RESPOND TO REGISTRANT'S DISCOVERY

Petitioners by and through counsel hereby move this Board for a one (1) month extension of time for Petitioners to respond to Registrant's First Set of Interrogatories,



and Registrant's First Set of Requests for Production of Documents and Things. This motion is made pursuant to *Fed. R. Civ. P.6(b)*.

This motion is filed prior to the expiration of the period responses are due, based on Petitioner's earlier first Request For Extension Of Time which requested an extension until December 15, 2004. This request is made based on good cause and is not made to delay these proceedings.

Registrant served its First Set of Interrogatories to Petitioners on September 23, 2004. Registrant served its First Set of Requests for Production of Documents and Things on September 23, 2004. The parties had previously agreed between themselves to mutually extend the period of time for Petitioners to Respond to Registrant's said discovery and for Registrant to respond to Petitioners' discovery, until November 15, 2004. Applicant previously filed a first request for extension of time seeking 30 additional days until December 15, 2004. Registrant did not file any papers to oppose said request for extension of time.

Petitioner has been working diligently to answer the interrogatories and gather documents. Registrant's First Set of Interrogatories to Petitioners includes 41 separate

interrogatories, some with subparts. Registrant's First Set of Requests for Production of Documents and Things includes 69 separate requests, some with subparts. Petitioner needs additional time to respond because of the voluminous interrogatories and requests.

Petitioner's counsel attempted to contact Registrant's counsel in regards to this extension of time. However, counsels were not able to communicate.

Pursuant to *Fed. R. Civ. P. 6(b)*, if a motion is filed prior to the expiration of a period and is based on good cause this Court may grant an extension. Pursuant to 37 *CFR* § 2.120(a) the time to respond to interrogatories and request for production of documents and things, may be extended upon motion granted by the Board. Also see *T.M.E.P. §509*.

Wherefore, based on good cause shown and not for purposes of delay, Petitioners respectfully request extensions of time of one (1) month to respond to Registrant's discovery as follows, Petitioners shall have until January 15, 2005 to respond to Registrant's First Set of Interrogatories to Petitioners and Petitioners shall have until January 15, 2004 to respond to Registrant's First Set of Requests for Production of Documents and Things.

Dated: Dec. 15th, 2004

Fort Lauderdale, Florida

Respectfully submitted,

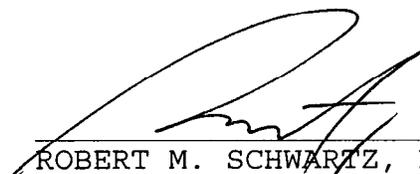
RUDEN, McCLOSKY, SMITH, SCHUSTER &
RUSSELL, P.A.



BY: Robert M. Schwartz, Esq.
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
200 E. Broward Blvd.,
Fort Lauderdale, FL 33301
Tel: (954) 527-6252
Fax: (954) 333-4252
Robert.Schwartz@ruden.com
Attorneys for Petitioners,
George Contos and Neil Pryor

CERTIFICATE OF MAILING

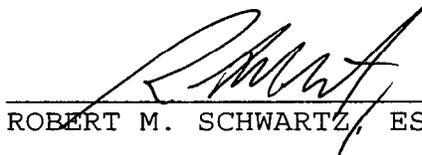
I hereby certify that Petitioners' Second Motion To Extend Time For Petitioners To Respond To Registrant's Discovery is being deposited with the United States Postal Service as first class mail in an envelope addressed to: TTAB, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, this 15 day of December, 2004.



ROBERT M. SCHWARTZ, ESQ.

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of Petitioners' Second Motion To Extend Time For Petitioners To Respond To Registrant's Discovery is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Cheryl Meide, Esq., Meide Law Firm, P.A., 6622 Southpoint Drive South, Suite 150, Jacksonville, Florida 32216 *ON this Dec. 15th 2004.*



ROBERT M. SCHWARTZ, ESQ.