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

Proceeding	92045173
Party	Plaintiff Glenn Danzig Glenn Danzig ,
Correspondence Address	Rod S. Berman Jeffer, Mangels, Butler & Marmaro, LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES
Submission	Stipulated/Consent Motion to Extend
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Date	02/22/2007
Attachments	Consented motion to extend dates 2.22.07.pdf (4 pages)(443659 bytes)

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

In the Matter of Trademark Registration Nos.
2,793,533, 2,634,215 and 2,735,848 Issued on
December 16, 2003, October 12, 2002 and April 22, 2003, respectively

Glenn Danzig.

Petitioner,

v.

Cyclopián Music, Inc.

Registrant.

Cancellation No. 92045173

Mark: MISFITS

Our File No. 2326-11

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

PETITIONER'S CONSENTED MOTION TO EXTEND

DISCOVERY AND TRIAL DATES

To the Commissioner for Trademarks:

Petitioner hereby moves to extend discovery cutoff dates and all deadlines for a period of 60 days from the dates set in the recent decision denying petitioner's motion for summary judgment.

This is an consented motion. During a telephone conference on February 19, 2006, registrant's counsel, Curtis Krasik consented to the requested extension of 60 days. Petitioner respectfully requests the Board extend each of the times set out in the order of January 26, 2007 for an approximately additional 60 days. The period for discovery to close is currently March 15, 2007 and it is requested that this date be extended to May 14, 2007 and that the trial dates be similarly reset.

The reason for the requests are that new counsel, the undersigned recently substituted into this case on behalf of the petitioner, that discovery has been served, but not all responses have not yet been received by both sides. Petitioner needs the additional time to assess what additional discovery is needed. The fact that Petitioner's motion for summary judgment was denied may suggest additional discovery required prior to taking testimony and submitting the briefs. Both parties need the additional time to reevaluate the case and at least attempt settlement discussions before additional significant funds are spent in bringing this matter to trial.

According to the files recently received by the undersigned, the following discovery appears to have been served on or about the dates indicated:

- 5/26/06 Defendant Cyclopien Music's Requests for Production of Documents to Petitioner Danzig
- 5/26/06 Defendant Cyclopien Music's Interrogatories to Petitioner Danzig
- 6/30/06 Petitioner Danzig's Response to Defendant Cyclopien Music's Requests for Production of Documents
- 6/30/06 Petitioner Danzig's response to interrogatories to Defendant Cyclopien Music
- 8/8/06 Defendant Cyclopien Music's deposition subpoenas to

Bertlesmann, Chaser, Bravado, Felix Sebacious, Sony BMG were indicated as being served, though most of which were withdrawn

- 8/17/06 Deposition notice of Petitioner Glenn Danzig
- 8/18/06 Petitioner Danzig serves Interrogatories, Requests for Admissions and Requests for Production of Documents on defendant Cycloplan Music
- 8/24/06 Petitioner Danzig serves a 30(b)(6) deposition notice on defendant Cycloplan Music
- 8/31/06 Defendant Cycloplan Music's serves interrogatories and requests for admissions on Petitioner Danzig

In view of the foregoing, petitioner requests that close of discovery be reset to May 14, 2007 and that all trial dates be similarly extended approximately 60 days each.

Respectfully submitted,

Dated: February 22, 2007

By: 

PAUL D. SUPNIK
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 22, 2007, he caused a copy of the above **PETITIONER'S CONSENTED MOTION TO EXTEND DISCOVERY AND TRIAL DATES** to be served by First Class Mail, postage prepaid on this date to:

Curtis B. Krasik, Esq.
Sabrina J. Hudson, Esq.
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
535 Smithfield Street
Pittsburg, Pennsylvania 15222

Dated: February 22, 2007



PAUL D. SUPNIK
Attorney for Applicant