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

Proceeding	92047162
Party	Defendant Supreme Oil Company
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Submission	Motion to Extend
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Date	12/04/2008
Attachments	Motion for Ext of Time.pdf (3 pages)(118392 bytes)

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

Cancellation No. 92047162

FRESH EXPRESS INCORPORATED,

Petitioner,

vs.

SUPREME OIL COMPANY,

Registrant.

Reg. No. 1,758,520

Issued: March 16, 1993

Mark: SALAD BAR

**REGISTRANT'S MOTION FOR EXTENSION OF TIME
TO ANSWER PETITIONER'S SECOND SET OF REQUEST FOR ADMISSIONS
PENDING RESOLUTION OF REGISTRANT'S NOVEMBER 25, 2008
MOTION FOR PROTECTIVE ORDER**

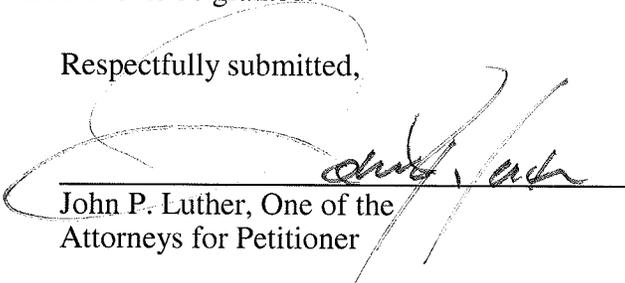
Registrant Supreme Oil, Co., by and through its attorney, John P. Luther of Ladas & Parry LLP, herein respectfully requests a twenty (20) day extension of time from the date of the Board's ruling on Registrant's Motion for Protective Order With Respect to Petitioner's Second Set of Requests for Admission and Related Second Set of Requests for Production of Documents, to answer Petitioner's Second Set of Requests for Admission and Related Second Set of Requests for Production of Documents ("Petitioner's Discovery Requests"). The rationale for this extension is hereinafter being provided.

The grounds for this Motion include that counsel has previously filed a Motion for Protective Order with respect to Petitioner's Discovery Requests, alleging Petitioner's five hundred and eighty-five (585) requests for admissions and related document requests are irrelevant, unduly burdensome, overly broad, and constitute an abuse of the discovery process. Registrant's responses to the aforementioned Petitioner's Discovery Requests are due by

December 5, 2008. As the Board has not yet ruled whether Registrant must answer Petitioner's Discovery Requests, and as Registrant believes Petitioner's Discovery Requests to be excessive and improper, Registrant requests an extension of time to answer Petitioner's Discovery Requests, should the Board order Registrant to do so. Registrant hereby requests a twenty (20) day extension from the date of the Board's Order resolving Registrant's Motion for Protective Order With Respect to Petitioner's Second Set of Requests for Admission and Related Second Set of Requests for Production of Documents to answer Petitioner's Discovery Requests.

Therefore, based upon the foregoing rationale it is respectfully requested this Motion for Extension of Time to Answer Petitioner's Second Set of Requests for Admission and Related Second Set of Requests for Production of Documents be granted.

Respectfully submitted,



John P. Luther, One of the
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of the foregoing REGISTRANT'S MOTION FOR EXTENSION OF TIME TO ANSWER PETITIONER'S SECOND SET OF REQUEST FOR ADMISSIONS PENDING RESOLUTION OF REGISTRANT'S NOVEMBER 25, 2008 MOTION FOR PROTECTIVE ORDER is being electronically filed with the United States Patent and Trademark Office on this 4th day of December, 2008.

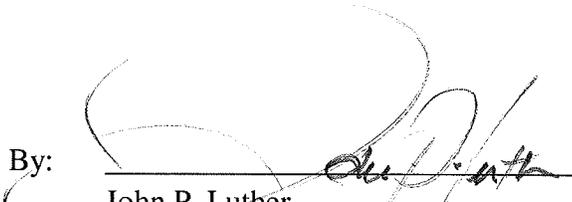


John P. Luther
One Of Registrant's Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REGISTRANT'S MOTION FOR EXTENSION OF TIME TO ANSWER PETITIONER'S SECOND SET OF REQUEST FOR ADMISSIONS PENDING RESOLUTION OF REGISTRANT'S NOVEMBER 25, 2008 MOTION FOR PROTECTIVE ORDER was served upon Petitioner's counsel on this 4th day of December 2008 by email to lperry@perryip.com and by facsimile to (415) 398-6306, and also deposited with the U.S. Postal Service as first class mail, postage prepaid, addressed to counsel for Petitioner, as follows:

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By: 

John P. Luther
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