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Filing date: **04/04/2008**

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

Proceeding	92048118
Party	Plaintiff Jack Richeson & Co., Inc.
Correspondence Address	Paul W. Kruse Bone McAllester Norton PLLC 511 Union Street, Suite 1600 Nashville, TN 37219 UNITED STATES trademarks@bonelaw.com
Submission	Motion to Extend
Filer's Name	Paul W. Kruse
Filer's e-mail	trademarks@bonelaw.com
Signature	/Paul W. Kruse/
Date	04/04/2008
Attachments	00265171.pdf (7 pages)(31606 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jack Richeson & Co., Inc.,)	
)	
Petitioner,)	
)	Cancellation No. 92048118
v.)	
)	Reg. No. 2,619,642
Select Export Corp. dba Trident,)	
)	
Registrant.)	
)	
Attorney Ref. No. 002763-060801)	

PETITIONER’S MOTION TO EXTEND DISCOVERY PERIOD FORTY-FIVE DAYS

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

Sir:

Now comes Jack Richeson & Co., Inc. (hereinafter Petitioner) and hereby moves the Trademark Trial and Appeal Board to extend the discovery period forty-five (45) days. Otherwise, all other discovery and testimony periods should remain as originally set by the Board.

As grounds for the motion, Petitioner, by its attorneys, avers as follows:

1. On September 17, 2007, Petitioner filed and the Board initiated this cancellation proceeding.
2. Registrant indicated that it was open to receiving a serious settlement proposal.
3. Petitioner made a serious settlement proposal.
4. Petitioner solicited a counter-proposal on a number of occasions.

5. On February 13 2008, Petitioner served discovery on Registrant. Petitioner nevertheless continued to solicit a counter-proposal.

6. Registrant responded to Petitioner's discovery on March 14, 2008. Registrant's responses raise issues that require further inquiry by Petitioner. Consequently, Petitioner has noticed the deposition of Herbert E. Moebius, who is the owner of Registrant, for Thursday, May 8, 2008, beginning at 11:00 a.m., at a place to be mutually agreed upon by the parties. A copy of the notice of deposition is attached hereto.

7. On April 3, 2008, Registrant informed Petitioner that discovery had been mailed to Petitioner on April 1, 2008, which Petitioner has yet to receive. Although it did not make a counter-proposal, Registrant indicated that it nevertheless remained open to receiving a serious settlement proposal.

8. Although it has yet to receive Registrant's discovery, Petitioner assumes that its responses to Registrant's discovery might raise issues that require further inquiry by Registrant.

9. Extending the discovery period forty-five (45) days will allow the parties to complete discovery or reach a settlement.

10. Extending the discovery period forty-five (45) days is not prejudicial.

11. Extending the discovery period forty-five (45) days is not necessitated by willful conduct or gross neglect.

12. No other request to extend the discovery period or any other discovery and testimony period has been made in this cancellation proceeding.

13. The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is

properly authorized to execute this document on behalf of the petitioner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

WHEREFORE, Petitioner requests that the discovery deadline be extended by forty-five (45) days until May 19, 2008, but that all other discovery and testimony periods remain as originally set by the Board.

Please direct all communications to the undersigned at (615) 238-6300 or trademarks@bonelaw.com.

Jack Richeson & Co., Inc.



By: _____

Name: Paul W. Kruse

Title: Attorney

Date: April 4, 2008

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "PETITIONER'S MOTION TO EXTEND DISCOVERY PERIOD FORTY-FIVE DAYS" was served on Registrant's attorney, Cheryl Meide with an address at Meide Law Firm, P.A., Corners at Deerwood 7545 Centurion Parkway, Suite 201, Jacksonville, Florida 32256, via first class mail, postage prepaid, today April 4, 2008.

A handwritten signature in black ink, appearing to be 'P. Kruse', written over a horizontal line.

By:

Paul W. Kruse

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jack Richeson & Co., Inc.,)	
)	
Petitioner,)	
)	Cancellation No. 92048118
v.)	
)	Reg. No. 2,619,642
Select Export Corp. dba Trident,)	
)	
Registrant.)	
)	
Attorney Ref. No. 002763-060801)	

PETITIONER’S NOTICE OF DEPOSITION OF HERBERT E. MOEBIUS

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Petitioner Jack Richeson & Co., Inc. will take the deposition by oral examination of Herbert E. Moebius on Thursday, May 8, 2008, beginning at 11:00 a.m., at a place mutually agreed upon by counsel. The deposition shall continue as necessary from day-to-day thereafter, at such place and time as may be agreed upon by counsel, until completed, with such adjournments as to time and place as may be reasonably necessary. This deposition will take place before a court reporter or other authorized individual, and shall be recorded by stenographic and/or video means.

NOTICE IS FURTHER GIVEN that Petitioner reserves the right to use the transcript of the deposition at trial.

Jack Richeson & Co., Inc.

A handwritten signature in black ink, appearing to read 'P. W. Kruse', written over a horizontal line.

By: _____

Name: Paul W. Kruse

Title: Attorney

Date: April 4, 2008

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

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A handwritten signature in black ink, appearing to read 'P. Kruse', with a long horizontal flourish extending to the right.

By: _____
Paul W. Kruse