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

Proceeding	92051279
Party	Plaintiff Red Hen Bread LLC
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Submission	Motion to Extend
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Date	11/15/2010
Attachments	canc. 92051279 motion to extend.pdf ( 2 pages )(69001 bytes )

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

Red Hen Bread LLC,	:	
Petitioner	:	Cancellation No. 92051279
	:	Reg. No. 3,614,763
v.	:	Mark: LITTLE RED HEN BAKERY
	:	
Norm Oeding,	:	
Registrant.	:	

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MOTION FOR EXTENSION OF TIMES

Pursuant to TBMP Sections 509 and 523, Trademark Rule 2.120 and Fed. R. Civ. P. 6(b), Petitioner Red Hen Bread LLC (hereinafter “Petitioner”) respectfully requests that the trial dates be extended for a period of sixty days from a date subsequent to the date of the Board’s ruling on this request. Petitioner has good cause for requesting the extension of time sought. Petitioner needs further time to confer with registrant in an effort to resolve remaining discovery disputes. A number of registrant’s responses to discovery requests are vague, non-responsive and fall far short of the requirement for responses under the Federal Rules and the Board’s rules.

On August 31, 2010, petitioner served registrant with Petitioner’s First Set of Interrogatories and First Requests for Production of Documents. Subsequently, petitioner granted registrant a thirty day extension of time to serve petitioner with his responses. On November 3, petitioner’s counsel received the responses, which were carefully reviewed and the majority of them was found to be insufficient with unsubstantiated objections. On November 5, we sent a letter by fax and express mail to registrant’s counsel outlining the inadequacies of the responses, requesting complete, accurate and verified responses and requesting registrant’s consent to an extension of the trial dates to resolve issues relating to the deficiencies of the responses. To date, neither supplemental responses to the discovery requests or response to petitioner’s extension request have been received. Petitioner maintains its interest in resolving

these matters without the need to burden the Board with a motion to compel. Registrant's reluctance to respond fully to the discovery requests hinders petitioner's ability to fully prosecute this case.

This extension of time is sought in good faith and not for any improper purpose of delay.

Respectfully submitted,

RED HEN BREAD LLC

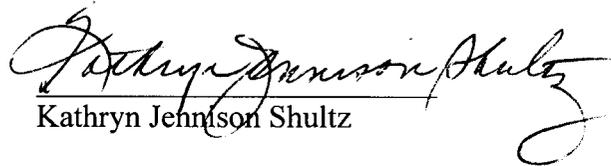
By 

Date: November 15, 2010

Kathryn Jennison Shultz  
Jennison & Shultz, P.C.  
2001 Jefferson Davis Highway – Suite 1102  
Arlington, Virginia 22202  
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION FOR EXTENSION OF TIMES was served on the Registrant by forwarding same via First Class Mail, postage prepaid, to Registrant's counsel, Robert O. Blinn, P.O. Box 75144, Wichita, Kansas 67275-0144, this 15<sup>th</sup> day of November, 2010.

  
Kathryn Jennison Shultz