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

Proceeding	92055094
Party	Plaintiff Swig, Inc.
Correspondence Address	JEFFREY A TINKER WINSTEAD PC 2728 N HARWOOD ST, 500 WINSTEAD BLDG DALLAS, TX 75201 UNITED STATES jtinker@winstead.com
Submission	Motion to Extend
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Date	10/21/2013
Attachments	55243_2_Contested_Motion_for_Extension_of_Time.pdf(65818 bytes)

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

In the Matter of Trademark Reg.	§	
No. 3,885,993.	§	
For the mark SWIG.	§	
Registered December 7, 2010.	§	
	§	
SWIG, INC.	§	
	§	
Petitioner,	§	
	§	
v.	§	Cancellation No. 92055094
	§	
TEMPERANCE DISTILLING	§	
COMPANY, INC.	§	
	§	
Respondent.	§	

PETITIONER’S CONTESTED MOTION FOR EXTENSION OF TIME

Petitioner Swig, Inc., requests that the Board extend the discovery period by thirty (30) days. As reasons for this Motion, Petitioner states:

1. The current Scheduling Order requires that the Testimony Period to close today, October 21, 2013.
2. Petitioner sent a Subpoena for the Oral Depositions of Molly and Brian Pearson, two former officers of Registrant Temperance Distilling Company, Inc. Registrant filed a Motion to Quash the Subpoenas on the basis that the Subpoenas required the disclosure of attorney-client privileged information. The Court granted Registrant’s Motion on October 16, 2013.

3. Subsequently, on October 18, 2013, Petitioner served Subpoenas for Deposition by Written Question on Brian and Molly Pearson. The Depositions by Written Question were narrowly tailored to avoid the possibility of requiring any attorney-client privileged information to be disclosed. Registrant filed a Motion to Quash these Depositions today, October 21, 2013. Petitioner filed a Response to Registrant's Motion to Quash today, October 21, 2013.

4. Today, October 21, 2013, Petitioner reached out to Registrant to request an extension of the Testimony Period to provide time for the parties to have the district court decide the Motion to Quash. Registrant did not respond to Petitioner.

5. Shortly before the filing of this Motion for Extension of Time, the Court issued the attached Order, which stayed the enforcement of the Subpoenas by Written Questions pending further order of the Court.

6. Petitioner is not making this Motion for the purposes of delay; rather, the extension sought is necessitated by Registrant's Motions to Quash.

For the foregoing reasons, Petitioner requests the Board to extend the current testimony period by thirty (30) days, making the close of the testimony period November 21, 2013, and for such other and further relief as the Board deems appropriate.

Respectfully submitted,

Date: October 21, 2013

WINSTEAD PC

/s/ Jeffrey A. Tinker

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Attorneys For Petitioner, Swig, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above Pretrial Disclosures has been served on the following counsel of record on this 21st day of October, 2013 via Electronic Mail as follows:

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/s/ Jeffrey A. Tinker
Jeffrey A. Tinker

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

SWIG, Inc.,

Case No. 3:13mc88

Plaintiff(s)

v.

ORDER

Temperance Distilling Company, Inc.,

Defendant(s)

It is hereby

Ordered that the enforcement of the subpoena by written answers dated October 18, 2013, served upon Mollie Pearson and Brian Pearson, is hereby stayed pending further order of the Court. Temperance Distilling granted leave until Friday, October 25, 2013 to file a reply.

So Ordered.

S/ Jeffrey J. Helmick
United States District Judge