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

Proceeding	91115866
Party	Plaintiff PRAIRIE ISLAND INDIAN COMMUNITY
Correspondence Address	ORRIN M. HAUGEN HAUGEN LAW FIRM, PLLP 1130 TCF TOWER 121 SOUTH EIGHTH STREET MINNEAPOLIS, MN 55402
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Eric O. Haugen
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Date	09/30/2004
Attachments	StipReqtoExt.pdf (6 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Prairie Island Indian Community, a federally recognized Indian Tribe,	Opposition No. 91115866 (Parent Case)
Plaintiff,	
v.	Cancellation Nos. 92028126; 92028127; 92028130; 92028133; 92028145; 92028155; 92028171; 92028174; 92028199; 92028248; 92028280; 92028294; 92028314; 92028319; 92028325; 92028342; 92028379; and Opposition No. 91157981 (as consolidated)
Treasure Island Corp.,	
Defendant.	

STIPULATED REQUEST TO EXTEND TESTIMONY PERIOD TIMES

To ensure that each party to this proceeding has a full and fair opportunity to efficiently address all testimony-related matters relevant to this proceeding, the parties, through their attorneys, and subject to the approval of this Board, stipulate and move for an extension of time relevant to the testimony periods. Per this stipulation, the discovery and testimony periods will be as follows:

Discovery Period To Close:	CLOSED
Testimony period for party in Position of Plaintiff to close:	Sixty (60) days after the Board Rules on the two pending ORDERS TO SHOW CAUSE (opening thirty (30) days prior thereto).

Testimony period for party in position of Defendant to close:	Sixty (60) days after the close of Plaintiff's testimony period (opening thirty (30) days prior thereto).
Rebuttal testimony period to close:	Forty-five (45) days after the close of Defendant's testimony period (opening fifteen (15) days prior thereto).

The instant stipulation is being filed based on the fact that six registrations at issue in this proceeding (U.S. Reg. Nos. 1,955,279; 1,943,123; 1,903,619; 1,981,369; 1,966,090; and 1,949,379) are presently the subject of two pending Show Cause Orders.[1] The outcome of those Show Cause Orders will significantly affect the volume and nature of the issues present in this proceeding. The parties to this action understand and agree that it will be far more efficient for the parties and this Board to deal with the issues present in the instant proceeding once the Show Cause Orders have been fully addressed by this Board.

[1] Registration Nos. 1,955,279; 1,943,123; and 1,903,619 (correlating to original Cancellation Proceeding Nos. 92028127; 92028319; and 92028314 respectively) are the subject of one Show Cause Order, while Registration Nos. 1,981,369; 1,966,090; and 1,949,379 (correlating to original Cancellation Proceeding Nos. 92028174; 92028294; and 92028325 respectively) are the subject of the second Show Cause Order. The issues relevant to these items have been fully briefed by each party in papers submitted to the Trademark Trial and Appeal Board last spring and summer.

For all of the above-stated reasons, it is respectfully requested by the parties that the instant Stipulated Request to Extend Testimony Period be entered, and that the parties be allowed to move ahead with their testimony periods around the parameters set forth herein. If the Board wishes, Plaintiff will submit a proposed order with dates certain relevant to the testimony periods once the Board has ruled on the presently outstanding Orders to Show Cause.

The parties to this proceeding have also discussed and agreed to parameters relevant to other aspects of this matter. The parties have agreed that Plaintiff will be serving responses to discovery requests which have been proffered by Defendant, at least in draft form, by no later than October 1, 2004. The parties have also agreed that in connection with the latest round of discovery requests served by Plaintiff and Defendant (Opposer's Second Set of Interrogatories, Opposer's Second Set of Requests for Production of Documents, and Opposer's First Set of Requests for Admissions, all served in connection with Opposition No. 91157981; as well as Defendant's Sixth Set of Request for Production of Documents and Defendant's Sixth Set of Interrogatories, both served in connection with Parent Case 91115866), neither party has waived rights to object to any particular request nor have Requests for Admission been deemed admitted irrespective of when the responses to those requests were served. As concerns the above-identified round of discovery requests, it has been agreed that each party reserves the right to bring any Motion or Motions deemed necessary in connection with the discovery. **The parties to this proceeding emphasize that they are fully cognizant of**

the Board's instructions relevant to working out discovery disputes prior to bringing a Motion. The parties specifically represent to the Board that no Motions to Compel are presently contemplated, and that there presently exists no outstanding discovery controversies.

With regard to the testimony periods, the parties have specifically agreed that they will make every reasonable effort to work out specific dates and venues for the testimony well in advance of the testimony actually occurring and that the parties will give at least two weeks written notice prior to any testimony being taken.

With further regard to testimony issues, the parties have agreed that transcripts and exhibits generated through testimony will be served by the party who took the testimony on the opposing party via overnight courier within five (5) days of receipt of the transcript from the court reporter.

Finally, with regard to the testimony periods, the parties have stipulated that testimony will be taken on a "single-attorney track", meaning that a single attorney will be able to attend each separately scheduled testimonial deposition session, and that neither party to this proceeding will take the testimony of more than one (1) individual at one time.

Plaintiff's attorney, Eric O. Haugen hereby represents that he has discussed the instant Stipulation with the attorneys for Defendant Treasure Island Corp., and that Treasure Island Corp. has reviewed the instant Stipulation and approves of its submission to the Trademark Trial and Appeal Board.

Respectfully submitted,

PRAIRIE ISLAND INDIAN COMMUNITY,
A FEDERALLY RECOGNIZED INDIAN TRIBE

Date: September 30, 2004

/Eric O. Haugen/

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Date: September 30, 2004

/Mark G. Tratos/

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UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Prairie Island Indian Community, a federally recognized Indian Tribe,	Opposition Nos. 91115966 and 91157981
Plaintiff,	
v.	Cancellation Nos. 92028126; 92028127; 92028130; 92028133; 92028145; 92028155; 92028171; 92028174; 92028199; 92028248; 92028280; 92028294; 92028314; 92028319; 92028325; 92028342; and 92028379 (as consolidated)
Treasure Island Corp.,	
Defendant.	

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing STIPULATED REQUEST TO EXTEND TESTIMONY PERIOD TIMES, was served on Treasure Island Corp., c/o Mark G. Tratos of Quirk & Tratos, 3773 Howard Hughes Parkway, Suite 500 North, Las Vegas, NV 89109, Attorney for Defendant, via first class mail, postage prepaid on September 30, 2004.

Dated: September 30, 2004

/Eric O. Haugen/

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