

TTAB



03-11-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #26

...y Docket No. 000291-009200

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on March 7, 2002.

TOWNSEND AND TOWNSEND AND CREW LLP

By: Billie Raney  
Billie Raney

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

In re Application Serial No. 76/071,935  
Mark: **CHIMNEY SWEEPING LOG**  
Registered: June 14, 2000  
Applicant: Joseph Enterprises

RUTLAND FIRE CLAY COMPANY DBA  
RUTLAND PRODUCTS,

Opposer,

v.

JOSEPH ENTERPRISES,

Applicant.

Opposition No. 123,898

**STIPULATED MOTION FOR  
EXTENSION OF TIME FOR  
APPLICANT TO RESPOND  
OR OBJECT TO OPPOSER'S  
DISCOVERY REQUESTS**

Commissioner for Trademarks  
Box TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Madam:

Applicant JOSEPH ENTERPRISES ("Applicant") respectfully moves the Trademark and Trial Appeal Board to extend the time for Applicant to respond or object to Opposer RUTLAND FIRE CLAY COMPANY DBA RUTLAND PRODUCTS's ("Opposer") First Set of

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Interrogatories and First Request for the Production of Documents and Things (hereinafter collectively referred to as "Discovery Requests") for a period of two (2) weeks. Opposer's counsel, Donald S. Holland, consented to these extensions of time in a telephone conference on March 7, 2002 with the undersigned.

The parties request that the Trademark Trial and Appeal Board maintain the present discovery and testimony periods, which are:

|  |                   |
|--|-------------------|
| THE PERIOD FOR DISCOVERY TO CLOSE:                                   | May 19, 2002      |
| 30-day testimony period for party in position of plaintiff to close: | August 17, 2002   |
| 30-day testimony period for party in position of defendant to close: | October 16, 2002  |
| 15-day rebuttal testimony for plaintiff to close:                    | November 30, 2002 |

The additional time requested is necessary to allow Applicant time to prepare appropriate responses to Applicant's discovery requests.

Accordingly, Applicant requests that this stipulated motion be granted and that the period for Applicant to respond or object to Opposer's Discovery Requests be extended an additional two (2) weeks, until **March 21, 2002**, with discovery and testimony periods maintained as specified above.

Prompt and favorable action is solicited.

Triplicate copies of this request are enclosed for the Office's convenience. Service has been made on Opposer's counsel as shown on the attached Certificate of Service.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Dated: March 7, 2002

By: 

Paul W. Vapnek  
Elizabeth R. Gosse

*Attorneys for Applicant*  
JOSEPH ENTERPRISES

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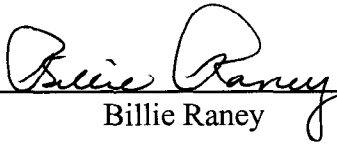
**CERTIFICATE OF SERVICE**

I hereby certify that this **STIPULATED MOTION FOR EXTENSION OF TIME TO RESPOND OR OBJECT TO OPPOSER'S DISCOVERY REQUESTS** was served this 7th day of March, 2002, by first class mail, postage prepaid, to attorney for Opposer at:

Donald S. Holland, Esq.  
Holland & Bonzagni, P.C.  
171 Dwight Road  
Longmeadow, MA 01106  
*Counsel for Opposer*

Dated: March 7, 2002

By: \_\_\_\_\_

  
Billie Raney