

Exhibits

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

Power Tool Specialists, Inc.

Opposer,

v.

Siplast, Inc.,

Applicant.

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Mark: TRADESMAN

Opposition Nos. 91153251



05-21-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

**APPLICANT'S MOTION FOR PROTECTIVE ORDER, REQUEST
FOR EXTENSION OF DISCOVERY DEADLINES, AND REQUEST
FOR CONSOLIDATION**

Applicant, Siplast, INC., (hereinafter referred to as "Applicant"), by and through its undersigned counsel, files this Motion for Protective Order regarding the discovery requests between Applicant and Power Tool Specialists, Inc., (hereinafter referred to as "Opposer"). Applicant respectfully encloses herewith as Exhibit A a proposed Protective Order for the Trademark Trial and Appeal Board's (hereinafter the "Board") consideration and approval.

As grounds in support of this motion, Applicant states as follows:

On November 14, 2002, counsel for Applicant forwarded to counsel for Opposer a letter requesting comments on the form of the TTAB standard Protective Order. A copy of Applicant's letter is attached hereto as Exhibit B.

Applicant served its discovery requests on Opposer on November 20, 2003.

Opposer responded to Applicant's discovery requests on December 24, 2002. A copy of Opposer's Response to Applicant's First Set of Requests for Admission, First Request for

Production of Documents and Things, and Opposer's Answers and Objections to Applicant's First Set of Interrogatories, copies of which are attached hereto as Collective Exhibit C.

As is evident from Opposer's responses, Opposer objected to the majority of the discovery requests on the grounds that such information was confidential or proprietary but stated that it would be willing to provide responsive documents upon entry of a mutually-agreeable protective order.

However, Applicant has still receive no comments from Opposer in response to the proposed Protective Order and has caused significant delay in Applicant's ability to obtain responses or documents from Opposer.

Therefore, Applicant respectfully requests the Board to consider the enclosed Protective Order for entry in the above referenced opposition proceeding.

REQUEST FOR EXTENSION OF DISCOVERY DEADLINES

In light of the circumstances mentioned above, Applicant respectfully requests that the Board extend the discovery deadlines set forth in the Board's Order mailed October 29, 2002. Applicant respectfully requests the extension of these deadlines in order to allow entry of the enclosed Protective Order and allow Opposer additional time within which to obtain responsive answers and documents to Applicant's discovery requests. The extended deadlines as requested by Applicant are as follows:

Discovery period to close:	August 17, 2003
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	November 15, 2003
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	January 14, 2004

Rebuttal testimony period to close: February 28, 2004
(opening thirty days prior thereto)

REQUEST FOR CONSOLIDATION

As grounds for this request for consolidation, Applicant states that:

On or about October 15, 2002, Opposer filed two Notices of Opposition identified as Opposition Nos. 91153237 and 91153251. The Board issued its Scheduling Order for each proceeding within three days of each other thereby setting the answer and discovery deadlines for each opposition proceeding also to coincide within three days of each other.

The two oppositions concern the same mark and will involve many common issues. The parties are the same in each proceeding.

In order to streamline these opposition proceedings with respect to the various deadlines established by the scheduling order, counsel for Applicant is of the opinion that consolidation would benefit both the parties and the Board when submitting documents in response to these various deadlines.

By letter dated November 14, 2002 (Exhibit B attached hereto), counsel for Applicant provided a draft Motion to Consolidate to counsel for Opposer. However, as is the case with the proposed Protective Order, counsel for Applicant never received a response from counsel for Opposer regarding its position on consolidation. Therefore, Applicant respectfully requests the Board to consider its motion to consolidate the two above referenced proceedings.

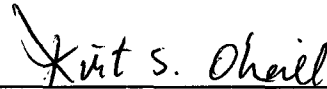
PRAYER

WHEREFORE, premises considered, Applicant requests:

1. Entry of the proposed Protective Order;

2. The discovery deadlines be reset accordingly; and
3. That the two opposition proceedings referenced above be consolidated and that the extended discovery deadlines apply to opposition proceedings.

RESPECTFULLY SUBMITTED:



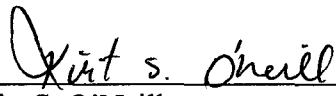
KIRT S. O'NEILL
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S MOTION FOR PROTECTIVE ORDER, REQUEST FOR EXTENSION OF DISCOVERY DEADLINES, AND REQUEST FOR CONSOLIDATION has been forwarded by first class mail to:

Mark D. Giarratana
Carrie Webb Olson
Cummings & Lockwood, LLC
Four Stamford Plaza
P.O. Box 120
Stamford, CT 06904-0120

on this the 19th day of May, 2003.



Kirt S. O'Neill

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Box TTAB, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Name of Person Signing Certificate: Michele Patterson

Signature: Michele Patterson

Date of Mailing: 5/19/2013

AKIN GUMP
STRAUSS HAUER & FELD LLP

Attorneys at Law

May 19, 2003

Box TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Power Tools Specialists, Inc. v. Siplast, Inc.
Opposition No. 91153251
Our Reference No. 064555.0040

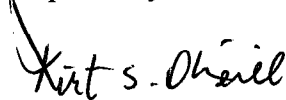
Dear Madam:

Enclosed please find the following documents in connection with the above referenced opposition proceeding:

- An original and two copies of Applicant's Motion for Protective Order, Request for Extension of Discovery Deadlines, and Request for Consolidation; and
- A return receipt acknowledgment postcard.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in fees to Deposit Account No. 01-0477.

Respectfully submitted,



Kirt S. O'Neill

Enclosures

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