

ESTTA Tracking number: **ESTTA19305**

Filing date: **11/15/2004**

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

Proceeding	91154615
Party	Defendant Cappuccino Americana Corporation Cappuccino Americana Corporation 765 Route 83 Bensenville, IL 60106
Correspondence Address	PATRICIA A. CIGELNIK ORUM & ROTH 53 W JACKSON BLVD; SUITE 1616 CHICAGO, IL 60604-3704
Submission	Motion to Extend
Filer's Name	Keith H. Orum
Filer's e-mail	email@orumroth.com
Signature	/s/ Keith H. Orum
Date	11/15/2004
Attachments	Opposition 91154615 Motion to Extend.pdf (3 pages)

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

Red Bull GmbH,)	
Opposer)	Opposition No: 91-154615
)	
v.)	
)	Trademark: Wild Stallion
Cappuccino Americana Corporation,)	Application No: 78/066394
Applicant)	

APPLICANT'S MOTION TO EXTEND THE TERM FOR DISCOVERY

Applicant hereby requests an extension in the term for discovery for forty-five days, from the current date of 15 November 2004 through 30 December 2004.

Applicant bases its request on the following:

The parties have been in settlement negotiations with a view towards avoiding the necessity of having the opposition procedure run its full course. Those settlement negotiations continue at the present time.

For Applicant, the attorney presently handling the matter is no longer employed by the firm representing Applicant. The new attorney, Keith Orum, has only recently become involved with the case, and is becoming acquainted with the entire matter on an expedited basis.

Opposer propounded a First Request for Production of Documents upon Applicant, which has been duly answered by Applicant.

As settlement negotiations continued throughout the entire period up until the present, Applicant held off from issuing discovery requests on Opposer in order to simplify the involvement of both parties. However, during the transfer of the file to the new attorney for Applicant upon departure of the previous attorney at that same firm, no Request for Production of Documents and Things been issued upon Opposer.

Attorney for Applicant contacted the Opposer's Attorney, but no agreement was reached regarding its consent to this Request.

Applicant therefore respectfully requests the Trademark Trial and Appeal Board to extend the period for Discovery for 45 days, through 30 December 2004.

Respectfully Submitted,

/s/ Keith H. Orum

Keith H. Orum
Attorney for the Applicant

Orum & Roth LLC
53 West Jackson Boulevard
Chicago, Illinois 60603
312.922.6262 (telephone)
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Date: 15 November 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S MOTION TO EXTEND THE TERM FOR DISCOVERY is being served on 15 November 2004, by deposit of same in the United States Mail, First Class postage prepaid, and also by FAX transmittal, to Opposer's Attorney of record set out below:

Martin R. Greenstein
TECHMARK
55 South Market Street, 16th Floor
San Jose, CA 95113
Telephone: 408.280.2233
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/s/ Keith H. Orum
Keith H. Orum