

ESTTA Tracking number: **ESTTA21906**

Filing date: **12/22/2004**

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

Proceeding.	91157759
Applicant	Defendant Robert D. Newman and Specilaty Products of Missouri, Inc. NEWMAN, ROBERT D. P.O. Box 377 Greenwood, MO 64034
Other Party	Plaintiff The Sherwin-Williams Company ,

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 01/05/2005. Robert D. Newman and Specilaty Products requests that such date be extended for 90 days, or until 04/05/2005, and that all subsequent dates be reset accordingly. The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Parties have exchanged written discovery (interrogatories and requests for production of documents). Defendant has agreed to a requested extension of time for the Plaintiff to respond to the outstanding discovery. As a result, the parties will not be ready to conduct and complete depositions prior to the January 5, 2005, discovery cutoff. The parties have also been engaged in potential settlement discussions. However, this is not a request to suspend the proceedings, only for the 90-day extension of the discovery and all subsequent deadlines.*

Robert D. Newman and Specilaty Products has secured the express consent of all other parties to this proceeding for the extension requested herein.

Robert D. Newman and Specilaty Products has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

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