

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 21, 2005

Opposition No. 91157759

The Sherwin-Williams Company

v.

Robert D. Newman and Specilaty
Products of Missouri, Inc.

Janice D. Hyman, Paralegal Specialist:

On September 21, 2005, the parties filed a motion to extend the discovery period for this case [by 90 days] and to reset testimony periods as necessary. The motion does not comply with Trademark Rule 2.121(d), which provides as follows (emphasis added):

When parties stipulate to the rescheduling of... the closing date for discovery and the rescheduling of testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board.

The parties motion is not in the form of a trial order. The parties are reminded of the requirements of Rule 2.121(d). Future extension requests may not be approved if

they are not in compliance with the rule. Notwithstanding the parties failure to file a proper extension request, in view of the parties consent thereto, the motion is approved. Discovery and trial dates are set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE	January 4, 2006
Testimony period for party in position of plaintiff to close (opening thirty days prior thereto)	April 4, 2006
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	June 3, 2006
Rebuttal testimony period to close (opening fifteen days prior thereto)	July 18, 2006

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.