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

LUSTER PRODUCTS, INC.	)	#78207642
	)	
Opposer,	)	
	)	Opposition No. 91160224
v.	)	
	)	
PECOWARE COMPANY	)	
	)	TTAB
Applicant.	)	

OPPOSER'S REQUEST FOR A SIXTY (60) DAY EXTENSION OF DISCOVERY AND ALL SUBSEQUENT TIME PERIODS

The Opposer, Luster Products, Inc., by and through its attorney Burton S. Ehrlich of Ladas & Parry, LLP hereby requests a sixty (60) day resetting of the discovery time period and all subsequent dates. In support of this extension the Opposer provides the following rationale:

In an Order of the Board dated September 12, 2008 the dates were previously reset with regard to this opposition proceedings. However, even though the proceedings were reactivated there was no schedule set for the Applicant to respond to the long outstanding discovery served by Opposer and due from Applicant. Also, it appears that previously the parties were very close on a potential settlement. Furthermore, it appears that counsel that was previously involved in this matter on behalf of the Applicant, may no longer be involved in the underlying situation. The Opposer's counsel previously sought to contact Applicant's counsel to consider the potential outstanding settlement which

was previously considered as being close to being concluded, or alternatively set a schedule for responding to the outstanding discovery. Counsel for the Opposer wishes to extend discovery to determine whether settlement appears to be viable and to provide an opportunity for Applicant to determine, whether the matter still remains of interest for the Applicant to potentially respond to the outstanding discovery. Should it become necessary additional time will also permit the Opposer to file a timely Motion to Compel or otherwise require discovery responses.

Furthermore, this extension will accommodate the busy schedule of counsel for the Opposer during the time period which the Board set for the close of discovery. Counsel for the Opposer has been involved in a very busy schedule in District Court actions involving imminent deadlines, including during the time period being involved in three separate District Court actions involving temporary restraining orders with accelerated scheduling, as well as a number of other District Court cases involving deadlines. Furthermore, counsel for the Opposer additionally faced issues pertaining to a lack of mobility due to a knee injury which further impeded the ability to attend to out of state District Court actions and which required the resetting of various scheduling.

The resetting of the discovery time period will allow for the potential exploring of whether settlement is still viable and allow for discovery to proceed in a more orderly manner, as well

as to determine whether the Applicant still has an interest in the underlying proceeding, and determine whether certain actions in discovery will need to be considered.

Based upon the foregoing with this extension is it requested that the dates be reset as follows:

The Period for Discovery To Close:	March 1, 2009
30-day testimony period for party in position of Plaintiff in the Opposition to close:	May 30, 2009
30-day testimony period for party in position of Defendant in the Opposition and Plaintiff in the Counterclaim to close:	July 30, 2009
30-day rebuttal testimony period for Plaintiff in the Opposition and Defendant in the Counterclaim to close:	September 27, 2009
15-day rebuttal testimony period for Plaintiff in the counterclaim to close:	November 11, 2009

Briefs shall be due as follows:
[See Trademark Rule 2.128(a)(2)]

Brief for plaintiff in the opposition shall be due:	January 10, 2010
Brief for Defendant in the opposition] and plaintiff in the counterclaim shall be due:	February 9, 2010
Brief for Defendant in the counterclaim and reply brief, if any, for Plaintiff in the opposition shall be due:	March 10, 2010

Reply brief, if any, for Plaintiff in the Counterclaim shall be due: March 26, 2010

Respectfully submitted,

Burton S. Ehrlich, One of the Attorneys for Opposer

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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to ATTN TTAB - NO FEE; Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on this 30th day of December, 2008.

Burton S. Ehrlich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposer's Reply to Applicant's Counterclaims, was deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mr. Robert H. Morse, at Stephen E. Feldman, P.C., 12 East 41st Street, New York, NY 10017, this 30th day of December, 2008.

Burton S. Ehrlich