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

Proceeding	91184081
Party	Plaintiff Mr.CharlesF.HudsonJr.
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Submission	Motion to Extend
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Date	01/13/2009
Attachments	Motion to Consolidate Dates.pdf ( 3 pages )(61513 bytes )

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

In the Matter of Application Serial No.: 78/882,634  
For the Mark: SHOO-FLY DRAGONEYE  
Published in the Official Gazette on: January 15, 2008

_____	)	
Charles F. Hudson, Jr.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91184081
	)	
Roger Nelson Chipman,	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S UNOPPOSED MOTION TO CONSOLIDATE CASE DEADLINES**

Pursuant to 37 CFR 2.121 and FRCP 6(b), Opposer, Charles F. Hudson, Jr., (hereinafter “Opposer”) requests that the Board amend the scheduling order in the above captioned matter so as to coincide with the scheduling order (as recently amended) in co-pending cancellation no. 92049351 and in support of said request avers as follows:

1. Opposer filed the instant opposition to the registration of the mark, **SHOO-FLY DRAGONEYE**, (“Opposition”) on or about May 14, 2008.
2. Opposer contemporaneously filed a petition to cancel the registration for the mark, **SHOO-FLY EYE**, (“Cancellation”) at Cancellation No. 92049351.
3. The issues and facts associated with both the Cancellation and Opposition proceedings are substantially similar in nature and the parties identical.

4. The Board entered a scheduling order in the Opposition on or about May 14, 2008. The Board entered an amended scheduling order in the Cancellation on or about June 20, 2008.
5. Opposer filed this same date Consent Motions to Extend Discovery and all subsequent dates in both the Opposition and Cancellation.
6. The amended discovery, briefing and other deadline dates in the Cancellation and Opposition, if granted, will not coincide.
7. It would be convenient for both parties if the deadline dates in the Cancellation and Opposition matters were identical.
8. Counsel for Opposer has discussed his intent to request consolidation of the deadline dates for the Cancellation and Opposition matters with counsel for Registrant and counsel for Registrant does not oppose the request.

**WHEREFORE**, Opposer requests that the Board amend the deadline dates for the Opposition matter so as to coincide with those in the Cancellation, as amended, and consider assigning both matters to the same Interlocutory Attorney, and Panel, if possible, for the sake of convenience, consistency and efficiency.

Dated: January 13, 2009  
Ocala, Florida

Respectfully submitted,

/s/Douglas Wm. Massinger  
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Charles F. Hudson, Jr.

## CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2009, I electronically filed the foregoing with the Trademark Trial and Appeal Board by using the ESTTA system. I further certify that a true and exact copy of the foregoing document has been furnished by email and U.S. Mail on the same date to the following:

Alicia D. Gaddy, Esq. N.C. Bar Number: 35288 Email: <a href="mailto:agaddy@dunganlaw.com">agaddy@dunganlaw.com</a> The Dungan Law Firm, P.A. One Rankin Avenue, Third Floor Asheville, North Carolina 28801 Telephone: (828) 254-4778 Fax: (828) 254-6646 Attorney for Registrant
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