

TTAB



03-05-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

**DUNLAP, CODDING & ROGERS, P.C.**

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March 5, 2003

BOX TTAB NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

TRADEMARK

Re: Motion for Extension of Time - Reg. No. 2,222,067  
Cancellation No. 92040968  
Mark: TOMA'S TAN PERFECT<sup>v</sup>  
Our Docket No. 7864.007

Sir:

Transmitted herewith is a Motion for Extension of Time to be filed in connection with the above-referenced registration and a pre-addressed postal card.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 04-1700. One copy of this transmittal letter is attached.

  
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Joseph P. Titterington  
DUNLAP, CODDING & ROGERS, P.C.  
9400 North Broadway, Suite 420  
Oklahoma City, Oklahoma 73114  
Telephone: (405) 478-5344  
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Attorney for Applicant

APPROVED  
for  
PTO DEPOSIT ACCOUNT CHARGE  
ACCOUNT #04-1700

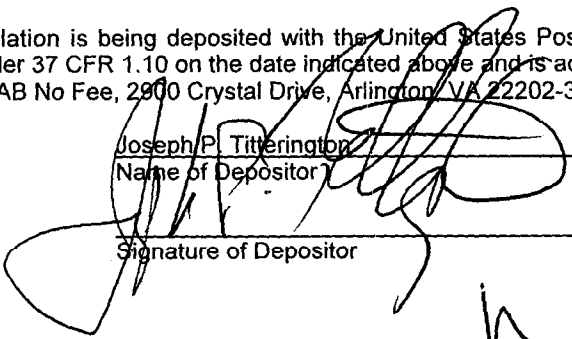
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DUNLAP, CODDING & ROGERS, P.C.

**CERTIFICATION UNDER 37 CFR 1.10**

EXPRESS MAIL NO. EV106032565US

DATE OF DEPOSIT: March 5, 2003

I hereby certify that Petitioner's Petition for Cancellation is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Trademarks, Box TTAB No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
\_\_\_\_\_  
Joseph P. Titterington  
Name of Depositor

March 5, 2003  
Date of Signature

\_\_\_\_\_  
Signature of Depositor



03-05-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

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

Date of Issue: February 2, 1999

TOMA'S L.L.C.,

Petitioner,

v.

H.C.T.V., INC.,

Registrant.

Cancellation No. 92040968

Registration No. 2,222,067

03/05/03  
10:31 AM

**MOTION FOR EXTENSION OF TIME**

Comes now Petitioner, Toma's L.L.C., by and through its attorneys of record, Dunlap, Coddling & Rogers, P.C., and pursuant to 37 C.F.R. Chapter 1 § 2.120, respectfully requests an extension of the discovery period in the above captioned matter. In support thereof, the Petitioner would show the Trial and Appeal Board as follows:

1. An initial Petition for Cancellation was filed August 19, 2002. A scheduling order was entered September 4, 2002 setting the discovery and testimony periods as follows:

**CERTIFICATION UNDER 37 CFR 1.10**

EXPRESS MAIL NO. EV106032565US  
DATE OF DEPOSIT: March 5, 2003

I hereby certify that this Motion for Extension of Time is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Trademarks, Box TTAB No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513.

Joseph F. Titterington  
Name of Depositor

Signature of Depositor

March 5, 2003  
Date of Signature

Discovery period to open:	September 24, 2002
Discovery period to close:	March 23, 2003
30-day testimony period for party in position of plaintiff to close:	June 21, 2003
30-day testimony period for party in position of defendant to close:	August 20, 2003
15 day rebuttal testimony period for plaintiff to close:	October 4, 2003

2. On November 4, 2002 Petitioner filed an Amended Petition for Cancellation and it was not until November 21, 2002 that the Registrant answered and alleged affirmative defenses to the Amended Petition for Cancellation. In essence, this case has only been at issue since November 21, 2002 and additional time is needed in order to complete the discovery process.

3. Counsel for Petitioner has contacted counsel for Registrant and requested a stipulation to extend the discovery period and counsel for the Registrant has not agreed to an extension of the discovery period.

4. 37 C.F.R. Chapter 1 § 2.120 specifically provides that the discovery period may be extended upon motion granted by the Board or by Order of the Board.

WHEREFORE, Petitioner respectfully requests that the discovery and testimony periods in the above referenced proceeding be extended for a period of sixty (60) days, and that the discovery and testimony periods be reset as follows:

Discovery period to close:	May 22, 2003
30-day testimony period for party in position of plaintiff to close:	August 20, 2003

30-day testimony period for party  
in position of defendant to close:

October 20, 2003

15 day rebuttal testimony period  
for plaintiff to close:

December 3, 2003



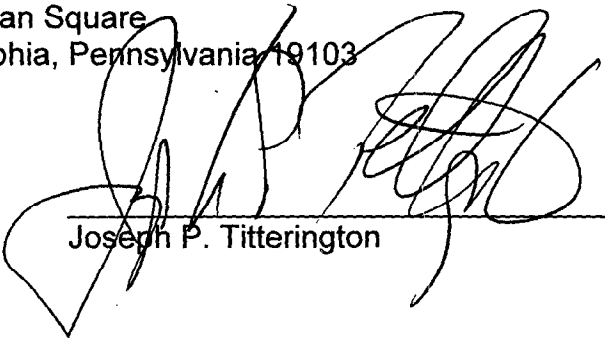
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed this 5<sup>th</sup> day of March, 2003 by first class United States mail, postage prepaid, to:

Timothy D. Pecsénye  
Dennis P. McCooe  
Blank Rome Comisky & McCauley LLP  
One Logan Square  
Philadelphia, Pennsylvania 19103



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Joseph P. Titterington