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Filing date: **10/03/2007**

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

Proceeding	92046880
Party	Plaintiff River West Brands, LLC
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Submission	Motion to Extend
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Date	10/03/2007
Attachments	River West's Mt to Extend Disc.pdf (4 pages)(102219 bytes)

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

In the Matter of Trademark Registration Nos. 1,776,896 and 1,832,980
Dates registered: June 15, 1993 and April 26, 1994

RIVER WEST BRANDS LLC,)
a Delaware Limited Liability Company,)
)
Petitioner,)
)
v.)
)
HARDEE'S FOOD SYSTEMS, INC.)
a North Carolina corporation,)
)
Respondent.)

Cancellation No. 92046880

Assistant Commissioner of Trademarks
BOX TTAB
NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

RIVER WEST BRANDS LLC'S MOTION TO EXTEND DISCOVERY

Petitioner River West Brands LLC ("River West") hereby respectfully requests a sixty (60) day extension of time to complete discovery in the above-noted matter. In support of its motion, River West states as follows:

1. The current cut-off date for fact discovery is October 3, 2007.
2. River West contacted Hardee's Food Systems, Inc. ("Hardee's") on or about April 11, 2007 to discuss a possible resolution of this proceeding.
3. In mid June 2007, Hardee's and River West agreed to a sixty (60) day extension of the initial discovery period that closed August 4, 2007.
4. On or about June 19, 2007, River West proposed a meeting between the parties to further discuss a resolution to this proceeding.

5. In early July 2007, Hardee's indicated it would entertain the possibility of a meeting between the parties regarding the marks at issue to explore resolution of this proceeding.

6. On July 27, 2007, the Trademark Trial and Appeal Board ("TTAB") granted the parties stipulated motion extending discovery to October 3, 2007.

7. Hardee's subsequently requested a written proposal from River West outlining a proposed business relationship between the parties before any meetings would take place.

8. In late September 2007, River West asked for a meeting to discuss a possible resolution before it submitted a written proposal.

9. On October 2, 2007, Hardee's indicated it would not meet without River West's written proposal and that it would not consent to an extension of the discovery deadline.

10. On October 3, 2007, having no other options River West served its First Set of Interrogatories, First Set of Document Requests, and First Set of Requests to Admit via overnight courier on Hardee's.

11. Because settlement discussions broke down on the eve of the close of fact discovery, River West has not received any discovery to date and if no extension is granted will not be able to refine its written discovery and/or schedule any depositions.

12. Any earlier actions by River West seeking discovery would have been detrimental to the parties' amicable settlement discussions.

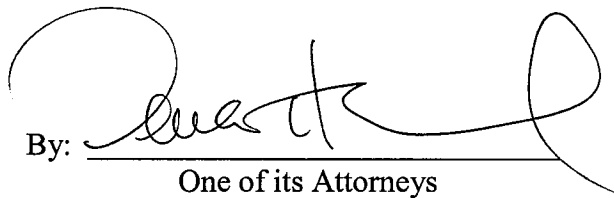
13. In addition, River West will be greatly prejudiced if it cannot conduct proper discovery. Hardee's requires little or no discoverable information from River West in a cancellation proceeding concerning Hardee's marks. In contrast, River West requires a great deal of information from Hardee's to prove that Hardee's has indeed abandoned the marks at issue.

CONCLUSION

In light of the above, River West respectfully requests that the TTAB grant its Motion to Extend Discovery, to and including December 2, 2007.

Dated: October 3, 2007.

RIVER WEST BRANDS LLC
Petitioner

By: 
One of its Attorneys

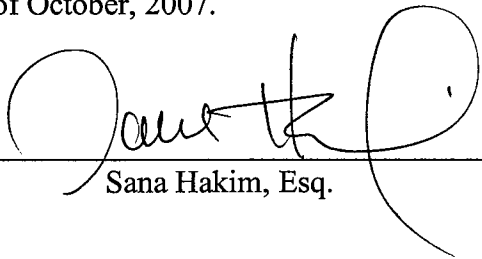
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(312) 372-1121

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that she caused a copy of River West Brands LLC's Motion to Extend Discovery to be served upon:

Kevin J. McDevitt
NEAL & McDEVITT, LLC
1776 Ash Street
Northfield, Illinois 60093

by first class mail, proper postage prepaid, this 3rd day of October, 2007.



Sana Hakim, Esq.