

ESTTA Tracking number: **ESTTA5609**

Filing date: **02/12/2004**

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

Applicant: **Medtronic, Inc.**
Application Serial Number: **78236530**
Application Filing Date: **04/11/2003**
Mark: **SMARTCYCLE**
Date of Publication **11/04/2003**

**60 Day Request for Extension of Time to Oppose Upon Consent and
Extraordinary Circumstances**

Pursuant to 37 C.F.R. Section 2.102, Cepheid, 904 Caribbean Drive, Sunnyvale, CA 94089, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark with applicant's consent and extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Counsel for Applicant Medtronic, Inc., Mr. Dean Karau, consented to this Request for Extension via telephone correspondence with Opposer's counsel, Lisa Greenwald-Swire, on February 10, 2004. This extension is necessary in order for Cepheid to investigate and evaluate the necessity of filing a Notice of Opposition and is not sought for purposes of delay. The extension is also sought to allow the Opposer and Applicant to further pursue settlement negotiations.

The time within which to file a notice of opposition is set to expire on 03/03/2004. Cepheid respectfully requests that the time period within which to file an opposition be extended until 05/02/2004.

Respectfully submitted,
/Lisa Greenwald-Swire/ 02/12/2004

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