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

Power Measurement, Inc. )  
and )  
Power Measurement Ltd. )  
Opposers, )  
v. )  
Silicon Energy Corp. )  
Applicant )

76118728

Opposition No. 125,727

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

05-02-2005

U.S. Patent & TMO/TM Mail Rpt Dt. #61

Sir:

**MOTION TO EXTEND TIME ON CONSENT**

The Board, in its December 8, 2004 communication, made it a requirement that any further motions to suspend or extend on the basis of settlement discussions provide a progress report on the status of settlement negotiations, including the date the last offer was made. This is a Motion to Extend Time On Consent on the basis of settlement. Therefore, the parties provide the following progress report in support of their Motion on Consent.

On or about January 12, 2005, Opposers served document requests and interrogatories; on or about February 1, 2005, Opposers served requests for admission; and on or about February 1, 2005, Applicant served document requests and interrogatories. The discovery period closed February 1, 2005. The parties have been agreeing to mutual extensions of time to respond to the outstanding written discovery requests.

During late 2004 and early 2005, the parties exchanged several communications regarding settlement, including written settlement proposals. In the past couple of months, the parties have been communicating by email and/or by telephone regarding settlement on a weekly basis. A draft settlement agreement was exchanged as recently as April 8, 2005 and communications regarding that draft took place subsequently thereafter. A subsequent draft settlement agreement was sent to Opposers April 21, 2005, and was the subject of discussion between Opposers and Applicant. The parties therefore submit that they have, indeed, made

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Serial No.: 76/118,728  
Page 2

considerable progress toward settlement, and hope that the current settlement discussions will result in a final settlement within approximately the next month. If they do not, the parties will likely have to proceed with this litigation.

In order to complete their current settlement discussions, the parties, through their counsel, jointly request that the testimony periods set in the communication of the Trademark Trial and Appeal Board mailed December 8, 2004 be extended by ninety (90) days, so that the new dates will be as follows:

Discovery period:	Closed
30-day testimony period for party in position of plaintiff to close:	July 31, 2005
30-day testimony period for party in position of defendant to close:	October 9, 2005
15-day rebuttal testimony for plaintiff to close	November 13, 2005

#### REMARKS

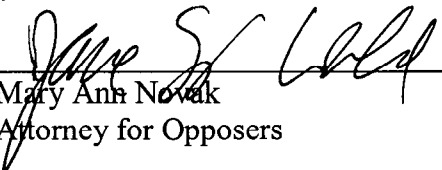
This Motion to Extend Time on Consent is requested for the parties to explore settlement possibilities. This request was consented to on or about April 19, 2005, between Mary Ann Novak, Counsel for Opposers, and Grace Han Stanton, Counsel for Applicant.

Respectfully submitted,

IRELL & MANELLA LLP  
Jane Shay Wald  
Mary Ann Novak

Dated: April 28, 2005

By:

  
Mary Ann Novak  
Attorney for Opposers

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Mark: EEM SUITE  
Serial No.: 76/118,728  
Page 3

#### CERTIFICATE OF MAILING

The undersigned hereby certifies that a copy of the foregoing Motion to Extend Time on Consent is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, this 28th day of April, 2005

  
Nonita Prieditis

#### CERTIFICATE OF SERVICE

This is to certify that one copy of the Motion to Extend Time on Consent was mailed by first-class mail, postage prepaid, to Applicant's counsel, Grace Han Stanton, Esq., Perkins Coie LLP, 1201 Third Avenue, Suite 4000, Seattle, Washington 98101, on this 28th day of April, 2005.

  
Nonita Prieditis