

ESTTA Tracking number: **ESTTA93554**

Filing date: **08/08/2006**

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

Proceeding.	91157113
Applicant	Plaintiff Big O Tires, Inc
Other Party	Defendant Sunrise Incorporated

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 10/21/2006. Big O Tires, Inc requests that such date be extended for 30 days, or until 11/20/2006, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 11/20/2006
Thirty-day testimony period for party in position of plaintiff to close : 02/18/2007
Thirty-day testimony period for party in position of defendant to close : 04/19/2007
Fifteen-day rebuttal testimony period to close : 06/03/2007

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The parties have agreed to extend the deadline to respond to any outstanding written discovery by thirty (30) days. Pursuant to the Board's January 23, 2006 order, the parties advise as to settlement. Various draft proposals have been exchanged between the parties. Since Opposer's last proposal, Opposer's counsel has contacted Applicant's counsel on several occasions seeking a reaction from Applicant (located in Japan). Applicant's counsel recently indicated that she believed a response would be forthcoming this week.*

Big O Tires, Inc has secured the express consent of all other parties to this proceeding for the extension requested herein.

Big O Tires, Inc has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
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