

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

-----X
 SMITHS MEDICAL ASD, INC.
 (FORMERLY LEVEL 1, INC.)

 Opposer,

 v.

 PORTLAND ORTHOPAEDICS PTY LT.

 Applicant.
 -----X



03-16-2005
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Opposition No. 91159799

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
ATTN: TTAB

**CONSENTED-TO MOTION FOR EXTENSION OF
TIME TO FILE ANSWER TO NOTICE OF OPPOSITION
AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS**

Subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective attorneys, stipulate that applicant's time for filing its Answer to Notice of Opposition shall be extended two (2) months or until **May 23, 2005**.

Also subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective counsel, hereby agreed to a two (2) month extension of the Discovery and Testimony periods as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: July 22, 2005
Testimony period for Petitioner to close: October 19, 2005
Testimony period for Registrant to close: December 19, 2005
Rebuttal testimony period to close: February 3, 2006

The parties have reached a tentative settlement agreement and opposer's attorney, Sandra Epp Ryan, has verbally agreed to this extension of time as requested. This additional time is necessary to finalize the settlement agreement between the parties.

The foregoing request is not being filed for the purposes of mere delay, and favorable consideration and approval of this request is respectfully solicited.

This request is being submitted in triplicate.

Respectfully submitted,

PORTLAND ORTHOPAEDICS PTY LT.



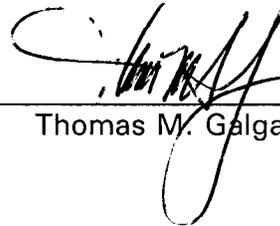
Thomas M. Galgano
Attorney for Applicant
GALGANO & BURKE
300 Rabro Drive, Suite 135
Hauppauge, NY 11788
(631) 582-6161

Date: March 14, 2005

F:\G&b\1367\12\A\extensionrequest5.wpd

CERTIFICATE OF MAILING

I hereby certify that this CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS is being deposited, in triplicate, this 14th day of March, 2005, with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.



Thomas M. Galgano, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF
OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS has this 14th
day of March, 2005, been sent prepaid First Class Mail to Sandra Epp Ryan, Esq., at her
place of business:

MERCHANT & GOULD P.C.
Box 2910
Minneapolis, MN 55402-0910



Thomas M. Galgano, Esq.