

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

TTAB

Opposition No. 91159799

76405848

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 thirty (30) days or until **November 21, 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: January 21, 2006  
Testimony period for Petitioner to close: April 21, 2006  
Testimony period for Registrant to close: June 20, 2006  
Rebuttal testimony period to close: August 4, 2006

The parties have reached a tentative settlement agreement and the parties are in the process of finalizing a written settlement agreement. 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.



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

Date: October 24, 2005

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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 24th day of October, 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.



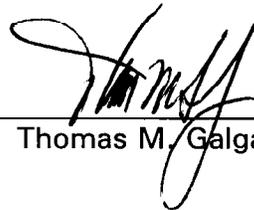
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Thomas M. Galgano, Esq.

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 24th day of October, 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



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Thomas M. Galgano, Esq.