

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

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	:	
SMITHS MEDICAL ASD, INC.	:	
(FORMERLY LEVEL 1, INC.)	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91159799
	:	
PORTLAND ORTHOPAEDICS PTY LT.	:	<i>76/405848</i>
	:	
Applicant.	:	
-----X	:	

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**

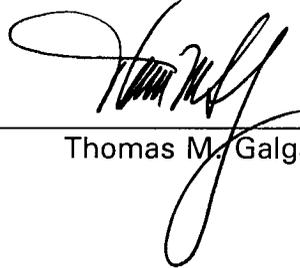
Subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective attorneys, stipulate that applicant's time for filing its Answer to Notice of Opposition shall be extended two months or until **February 21, 2006**.

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:



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 20st day of December, 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.

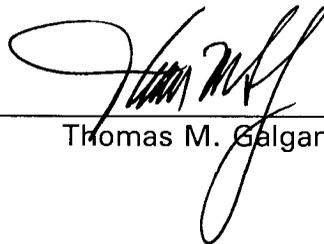


Thomas M. Galgano, Esq.

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 20st day of December, 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.

THE PERIOD FOR DISCOVERY TO CLOSE: April 21, 2006
Testimony period for Petitioner to close: July 21, 2006
Testimony period for Registrant to close: September 20, 2006
Rebuttal testimony period to close: November 4, 2006

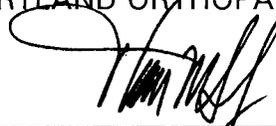
The parties have reached a tentative settlement agreement and the parties are in the process of finalizing a written settlement agreement. Opposer's attorney, Sandra Epp Ryan, has verbally agreed to this extension of time as requested. This additional time is necessary to finalize the settlement agreement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



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

Date: December 20, 2005

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