

ESTTA Tracking number: **ESTTA156342**

Filing date: **08/13/2007**

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

Proceeding.	91159799
Applicant	Defendant Portland Orthopaedics Pty Lt.
Other Party	Plaintiff SMITHS MEDICAL ASD, INC. (FORMERLY LEVEL 1, INC.)

### **Motion for an Extension of Time to Answer With Consent**

Portland Orthopaedics Pty Lt.'s answer is currently due on 08/15/2007, and the close of discovery is currently set for 10/14/2007. Portland Orthopaedics Pty Lt. requests that its time to answer be extended by 30 days from the current due date, or until 09/14/2007. The grounds for applicant's request are as follows:

- *The parties are discussing settlement*

Portland Orthopaedics Pty Lt. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Portland Orthopaedics Pty Lt. 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,

/tmg/

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08/13/2007