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

Proceeding	91182690
Party	Plaintiff ATI Technologies ULC
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Submission	Motion to Extend
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Date	11/03/2008
Attachments	Motion to Extend FIREANGEL.pdf (4 pages)(30143 bytes)

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

ATI TECHNOLOGIES ULC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91182690
)	
ROGER E. BILLINGS,)	
)	
Applicant.)	

MOTION TO EXTEND DISCOVERY

Opposer, ATI Technologies ULC ("ATI"), hereby moves to extend the discovery and testimony periods for ninety (90) days, and in support thereof states as follows:

1. ATI filed its Notice of Opposition in this matter on February 27, 2008. From the initiation of the opposition, the parties were hopeful that this matter could be resolved amicably. They discussed early in the proceeding the possibility that a revision to Applicant's identification of goods could allay Opposer's concerns.

2. In May of 2008, Opposer's undersigned counsel discussed with Applicant some restrictions to Applicant's identification of goods that Opposer felt may eliminate any potential confusion. Applicant informed Opposer that the restrictions suggested were unworkable for Applicant as they related to some of Applicant's core goods. Thereafter, Opposer's counsel reviewed this information with Opposer.

3. On or about August 5, 2008, while out of his office, Opposer's undersigned counsel sent a revised settlement proposal to Applicant, using the firm's remote web-based email capabilities. Due to an apparent technical problem with the remote email system on that date, however, it appears that the revised settlement proposal was not received by Applicant.

4. Last week, Opposer's counsel followed up with Applicant about the latest settlement proposal. When Applicant indicated that such proposal had not been received, Opposer's counsel resent the proposal and requested an extension or suspension of the discovery deadline to give the parties additional time to discuss settlement.

5. On November 3, 2008, counsel for Opposer spoke with Applicant via telephone. The parties discussed the recent settlement proposal, and agreed that it narrowed the outstanding issues. The parties were not, however, able to come to a final resolution of the matter. Opposer's undersigned counsel, and to his knowledge, Applicant as well, remain optimistic that an amicable resolution might be reached. Applicant would not, however, consent to any extension or suspension of the discovery period to allow the parties more time to negotiate, or alternatively, to complete discovery.

6. The number of outstanding items to be resolved between the parties appears to be very limited, and generally involves one or two broadly-worded items in Applicant's identification of goods.

7. Opposer believes that a brief extension of this matter will allow the parties to come to an amicable resolution. The instant extension – **which is the first extension of the discovery period requested in this matter** – is requested for the purpose of allowing further settlement discussions to take place, and if settlement cannot be reached, to complete discovery. This request is not interposed for reasons of delay.

8. Thus, Opposer respectfully requests that the discovery and trial periods be reset as set forth below:

Expert Disclosures	January 2, 2009
Discovery Closes	February 1, 2009

Plaintiff's Pretrial Disclosures	March 18, 2009
Plaintiff's 30-day Trial Period Ends	May 2, 2009
Defendant's Pretrial Disclosures	May 17, 2009
Defendant's 30-day Trial Period Ends	July 1, 2009
Plaintiff's Rebuttal Disclosures	July 16, 2009
Plaintiff's 15-day Rebuttal Period Ends	August 15, 2009

WHEREFORE, Opposer respectfully requests that the Board issue an order extending the discovery and trial periods by ninety (90) days as set forth herein.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /s/Andrew N. Downer/
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Attorneys for Opposer,
ATI Technologies ULC

CERTIFICATE OF SERVICE

I, Andrew N. Downer, hereby certify that a copy of the foregoing **MOTION TO EXTEND DISCOVERY** was served upon Applicant, acting *pro se*, Dr. Roger E. Billings, 26900 East Pink Hill, Independence, Missouri, 64057, by first class mail postage prepaid on November 3, 2008.

/s/Andrew N. Downer/
Andrew N. Downer