

ESTTA Tracking number: **ESTTA328224**

Filing date: **01/22/2010**

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

Proceeding.	91189225
Applicant	Defendant Nexenta Systems, Inc
Other Party	Plaintiff Nexsan Technologies, Inc.

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 01/29/2010. Nexenta Systems, Inc requests that such date be extended for 30 days, or until 02/28/2010, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	01/29/2010
Discovery Closes :	02/28/2010
Plaintiff's Pretrial Disclosures :	04/14/2010
Plaintiff's 30-day Trial Period Ends :	05/29/2010
Defendant's Pretrial Disclosures :	06/13/2010
Defendant's 30-day Trial Period Ends :	07/28/2010
Plaintiff's Rebuttal Disclosures :	08/12/2010
Plaintiff's 15-day Rebuttal Period Ends :	09/11/2010

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The parties have reached a settlement in principle. Opposer has sent Applicant a proposed written settlement agreement, the terms of which the parties require additional time to negotiate. This extension is not requested for purposes of delay, but rather to avoid the burden and expense of discovery since the amicable settlement of this matter appears likely.*

Nexenta Systems, Inc has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Nexenta Systems, Inc 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 First Class Mail on this date.

Respectfully submitted,

/Jason M. Gonder/

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