

ESTTA Tracking number: **ESTTA616071**

Filing date: **07/16/2014**

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

Proceeding	91194218
Party	Plaintiff Illumina, Inc.
Correspondence Address	SUSAN M NATLAND KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN ST, 14TH FL IRVINE, CA 92614 UNITED STATES efiling@knobbe.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Brian C. Horne
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Signature	/Brian C. Horne/
Date	07/16/2014
Attachments	Stipulated Motion for an Extension of Trial Period ILLINC.266M.pdf(99366 bytes)

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

Illumina, Inc.,)	Opposition No.: 91194218
)	
Opposer,)	
)	
v.)	
)	
Meridian Bioscience, Inc.,)	
)	
Applicant.)	

STIPULATED MOTION FOR AN EXTENSION OF TRIAL PERIOD

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to C.F.R. § 2.121(a)(1), Opposer, Illumina, Inc., and Applicant, Meridian Bioscience, Inc., hereby move to extend all pending deadlines in the proceeding and modify the procedure to conduct the testimony period in this matter.

Regarding procedural matters, the Parties stipulate as follows:

- A party may submit the testimony of its own witnesses via declaration during its respective Trial Period. The adverse party will then have a set period thereafter to cross-examine any declarant via oral deposition. That cross-examination will not be limited to the scope of the declaration.
- A party that has obtained documents from another party through disclosure or under Rule 34 of the Federal Rules of Civil Procedure may make such documents of record by Notice of Reliance alone (i.e., without the need to make such documents of record via alternative avenues, including depositions of the adverse party's witnesses).
- Regarding Internet Materials submitted with a Notice of Reliance as discussed in TBMP § 704.08(b), the identification of a complete URL and print date are unnecessary and

such documents may be treated as part of the record so long as properly submitted in a Notice of Reliance.

Further, and in light of the procedural modifications, the parties propose the following schedule:

Time to Answer:	Closed
Deadline for Discovery Conference:	Closed
Discovery Opens:	Closed
Initial Disclosures Due:	Closed
Expert Disclosures Due:	Closed
Discovery Period to Close	Closed
Plaintiff's Pretrial Disclosures due	09/24/2014
Plaintiff's 30-day Trial Period Ends	11/07/2014
Defendant's 30-day Cross Examination Period Ends	12/07/2014
Defendant's Pretrial Disclosures due	12/22/2014
Defendant's 30-day Trial Period Ends	02/07/2015
Plaintiff's 30-day Cross Examination Period Ends	03/09/2015
Plaintiff's 15-day Rebuttal Trial Period Ends	04/08/2015
Defendant's 15-day Cross Examination Period Ends	05/08/2015

This motion is not for purposes of delay. Specifically, (1) since the Board issued the new Scheduling Order on June 27, 2014, following the appearance of Plaintiff's new counsel, the Parties' counsel have communicated as to the procedural and scheduling modifications stipulated herein no less than eight times, (2) the Parties' counsel have thoroughly discussed the issues discussed herein to streamline the Trial periods and to accommodate scheduling conflicts, and (3) the Parties' have mutually agreed to the above modifications and timetable.

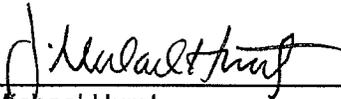
The Parties respectfully move that the Board modify the trial period in the above-referenced proceeding according to the above schedule.

Respectfully submitted,

KEATING MUETHING & KLEKAMP PLL

KNOBBE, MARTENS, OLSON & BEAR, LLP

By: _____


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Dated: _____

7/16/14

By: _____


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Dated: _____

7/16/14

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **STIPULATED MOTION FOR AN EXTENSION OF TRIAL PERIOD** upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on July 16, 2014, addressed as follows:

J. Michael Hurst
Keating Muething & Klekamp PLL
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Cincinnati, OH 45202



Sarah Beno Couvillion

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