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

Proceeding	91194706
Party	Plaintiff 1047406 Ontario Ltd. and Purifics ES, Inc.
Correspondence Address	LISA H MEYERHOFF BAKER & MCKENZIE LLP 711 LOUISIANA ST STE 3400, PENNZOIL PLACE SOUTH TOWER HOUSTON, TX 77002-2746 UNITED STATES lisa.meyerhoff@bakermckenzie.com, millie.weiss@bakermckenzie.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Myall S. Hawkins
Filer's e-mail	myall.hawkins@bakermckenzie.com, ginny.perry@bakermckenzie.com
Signature	/s/ Myall S. Hawkins
Date	08/30/2012
Attachments	2012-08-30 Joint_Stipulation_to_Extend_Opposers__Testimony_Period.pdf (3 pages)(21960 bytes)

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

1047406 Ontario Ltd. and)	
Purifics ES, Inc.,)	
)	
Opposers)	Opposition No.: 91194706
)	
v.)	
)	
UVCleaning Systems, Inc., dba Puralytics)	
Corporation,)	
)	
Applicant.)	

JOINT STIPULATION TO EXTEND OPPOSERS' TESTIMONY PERIOD

Pursuant to 37 C.F.R. § 2.121(a) and TBMP § 701, Opposers 1047406 Ontario Ltd. and Purifics ES, Inc. (collectively, "Opposers") and UVCleaning Systems, Inc., dba Puralytics Corporation ("Applicant") (with Opposers, collectively, the "Parties") have stipulated and now seek the Board's approval to extend Opposers' testimony period originally set to end on September 20, 2012 to end on October 10, 2012.

37 C.F.R. § 2.121(a) and TBMP § 701 allow for testimony depositions to be taken outside of the testimony period "by stipulation of the parties approved by the Board, or, on motion, by order of the Board." TBMP § 703.01(b). Opposers and Applicant have attempted in good faith to schedule the depositions of Opposers' testimony witnesses. However, Applicant's counsel and witness are not available for the majority of Opposers' testimony period, and Opposers' counsel are not available for the remainder of Opposers' testimony period, which will also impact the scheduling of depositions of Opposers' witness(es). Therefore, the Parties have stipulated to and now seek the Board's approval to extend Opposers' testimony period deadline from September 20, 2012 to October 10, 2012. The Parties believe that extending Opposers' testimony period deadline will allow reasonable scheduling of witnesses and counsel for the

testimony depositions. *See Fossil, Inc. v. Fossil Group*, 49 USPQ2d 1451, 1454 n.1 (TTAB 1998) (Board finding no issue with parties stipulating to testimony deposition outside of testimony period for reasons of time and cost). In light of the above, the Parties request that the Board approve the Parties' stipulation to extend Opposers' testimony period deadline currently set for September 20, 2012 to October 10, 2012.

Dated: August 30, 2012

Respectfully submitted,

/s/ Myall S. Hawkins

Lisa H. Meyerhoff

Registration No. 36,869

Email: lisa.meyerhoff@bakermckenzie.com

Myall S. Hawkins

Registration No. 50,231

Email: myall.hawkins@bakermckenzie.com

Tan Pham

Registration No. 66,079

Email: tan.pham@bakermckenzie.com

William R. Hales

Registration No. 67,970

Email: ryan.hales@bakermckenzie.com

BAKER & MCKENZIE LLP

711 Louisiana, Suite 3400

Houston, Texas 77002

Telephone: (713) 427-5000

Facsimile: (713) 427-5099

ATTORNEYS FOR OPPOSERS

1047406 ONTARIO LTD. AND

PURIFICS ES, INC.

/s/ Salumeh R. Loesch*

Salumeh R. Loesch

Email: salumeh.loesch@klarquist.com

David P. Petersen

Email: david.petersen@klarquist.com

Klarquist Sparkman, LLP

One World Trade Center, Suite 1600

121 SW Salmon Street

Portland, Oregon 97204

Telephone: (502) 595-5300

Facsimile: (503) 595-5301

ATTORNEYS FOR APPLICANT
UVCLEANING SYSTEMS, INC. D/B/A
PURALYTICS CORPORATION

*with permission

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2012 a copy of the attached "Joint Stipulation to Extend Opposers' Testimony Period" was served by email on Applicant's counsel of record as follows:

Salumeh R. Loesch
David P. Petersen
Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, Oregon 97204

/s/ Myall S. Hawkins

Myall S. Hawkins