

ESTTA Tracking number: **ESTTA439246**

Filing date: **11/03/2011**

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

Proceeding	91197624
Party	Plaintiff 23andMe, Inc.
Correspondence Address	BETH M GOLDMAN ORRICK HERRINGTON & SUTCLIFFE LLP 405 HOWARD STREET SAN FRANCISCO, CA 94105 UNITED STATES ipprosecutionsf@orrick.com
Submission	Motion to Extend
Filer's Name	Chelseaa Bush
Filer's e-mail	ipprosecutionsf@orrick.com
Signature	/ChelseaaBush/
Date	11/03/2011
Attachments	DOC.PDF (4 pages)(53891 bytes)

Opposer emailed a request to Respondent's counsel on October 31, 2011 asking for his consent to the extension of discovery. Opposer had attempted to discuss the extension and possible settlement with counsel for Respondent by phone starting on October 20, 2011 but Respondent's counsel was working out of the office on other matters and was difficult to reach. Respondent's counsel then responded to Opposer's October 31st email by refusing to grant consent to the extension without giving good reason for his refusal except to say that he sees no reason for an extension. Opposer submits that there is good reason for the extension as the parties have not yet completed discovery.

The need for an extension is not the result of a lack of due diligence or undue delay by Opposer. Indeed, the parties have only requested one additional extension of time in these proceedings. Opposer did diligently serve Respondent with discovery in June 2011. Respondent requested a 30-day extension of time to respond to the discovery requests which Opposer granted and so Opposer did not receive Respondent's responses until August 11, 2011. Opposer then had to follow up with counsel for Respondent in order to receive Respondent's document production which Opposer received on September 6, 2011.

In light of the above, Opposer submits that there is good cause for a sixty (60) day extension of the dates in this matter to ensure the parties obtain the necessary discovery and/or reach a settlement in this matter.

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

Dated: November 3, 2011

By: 

Beth M. Goldman

Chelsea E.L. Bush

Attorneys for 23andMe, Inc.

405 Howard Street

San Francisco, CA 94105

415-773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **MOTION TO EXTENSION DISCOVERY AND ALL SUBSEQUENT DATES** is being served upon counsel for Applicant CKM Holdings Inc. by First Class Mail on this 3rd day of November 2011, by placing the same in an envelope addressed as follows:

John Challis
Polsinelli Shughart PC
100 S. Fourth Street, Suite 1100
St. Louis, MO 63102

By: 
Chelseaa Bush