

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: October 7, 2014

Opposition No. 91206212

Carefusion 2200, Inc.

v.

entrotech, inc.

**George C. Pologeorgis,
Interlocutory Attorney:**

Applicant's consented motion (filed October 7, 2014) to extend all trial dates, beginning with close of discovery, is noted.¹ In support thereof, Applicant maintains that the parties are unable to complete discovery within the current trial schedule.

The Board notes that discovery in this matter opened over two years ago on October 2, 2012. The Board finds that the parties have had more than ample time to complete discovery in this matter.

In view thereof, Applicant's consented motion to extend trial dates filed on October 7, 2014 is hereby **DENIED**. **Further, the Board will not entertain any further requests to extend the close of discovery, whether consented to or not.**

¹ Opposer's change of correspondence address filed on June 25, 2014 is noted. Board records have been updated accordingly.

Trial dates remain as reset by Board order dated July 17, 2014.

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademarks Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

As a final matter, Opposer's consented motion for leave to amend its pleading filed on April 14, 2014 is **GRANTED**. Trademark Rule 2.127. The amended pleading filed concurrently with Opposer's motion for leave to amend is now Opposer's operative pleading in this case.

Applicant is allowed until **October 27, 2014** to file its answer to Opposer's amended pleading.²

Moreover, to the extent the parties file another request to extend trial dates in this case (except for a request to the extend the close of discovery which is now prohibited by this order), the parties are precluded from employing ESTTA's consented motions form; instead, the parties must utilize the "general filings" form and include a proposed trial schedule with their request to extend.

² The Board finds that Opposer has sufficiently pleaded its standing, as well as its grounds for opposition in its amended pleading. Therefore, Applicant is precluded from filing a motion to dismiss for failure to state a claim upon which relief may be granted under Fed. R. Civ. P. 12(b)(6) in response to Opposer's amended pleading.