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Filing date: **11/03/2014**

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

Proceeding	91206212
Party	Defendant entrotech, inc.
Correspondence Address	LISA M. GRIFFITH FISH & RICHARDSON P O BOX 1022 MINNEAPOLIS, MN 55440 1022 UNITED STATES tmdoctc@fr.com, hickey@fr.com, martens@fr.com, dylan-hyde@fr.com, morris@fr.com
Submission	Other Motions/Papers
Filer's Name	Erin M. Hickey
Filer's e-mail	tmdoctc@fr.com, hickey@fr.com, martens@fr.com, ly@fr.com, dylan-hyde@fr.com, morris@fr.com
Signature	/erin m hickey/
Date	11/03/2014
Attachments	Response to CF's Motion for Reconsideration.pdf(1182470 bytes)

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

In the matter of application Serial Nos.:

85/499,349 for the mark **CHLORADERM**
85/499,345 for the mark **CHLORABSORB**
85/499,337 for the mark **CHLORABOND**
85/499,332 for the mark **CHLORADRAPE**

Filed on December 19, 2011

Published in the *Official Gazette* on May 29, 2012

CAREFUSION 2200, INC.,

Opposer,

v.

ENTROTECH LIFE SCIENCES, INC.,

Applicant.

Combined Opposition Proceeding
No.: 91-206,212

**APPLICANT'S RESPONSE TO OPPOSER'S MOTION FOR RECONSIDERATION
OF THE INTERLOCUTORY ATTORNEY'S ORDER DATED OCTOBER 7, 2014**

Opposer CareFusion 2200, Inc. ("Opposer") has moved for the Interlocutory Attorney to reconsider his Order dated October 7, 2014, in which he refused to extend all discovery and trial deadlines in this proceeding further – no doubt because this request was the *eighth* such request since discovery opened in this proceeding over two years ago. While admittedly, Opposer and Applicant Entrotech Life Sciences, Inc. ("Applicant") initially moved to extend this deadline together, Applicant does not join Opposer's Motion for Reconsideration. Instead, Applicant respects the Interlocutory Attorney's Order and is prepared to comply with it. Accordingly, Applicant responds to Opposer's Motion for Reconsideration briefly only to clarify the way in which Opposer has characterized the events leading up to Opposer's Motion and to respectfully

request that the Interlocutory Attorney's Order dated October 7, 2014 stand and that the close of discovery remain December 8, 2014.¹

The crux of Opposer's Motion for Reconsideration is to blame Applicant for the repeated delays in discovery in this proceeding. Yet, Opposer initiated this proceeding, and "[f]or [a] plaintiff in a Board proceeding, that means not only shouldering the burden of proof at trial[,] ***but also the responsibility for moving the case forward on the prescribed schedule.***" *National Football League, et al. v. DNH Management, LLC*, 85 U.S.P.Q.2d 1852, 2008 WL 258323, at *2, fn. 8 (T.T.A.B. 2008) (emphasis added); *see also, generally, Hoover Co. v. Royal Appliance Mfg. Co.*, 238 F.3d 1357, 1360 (Fed. Cir. 2001) ("In opposition proceedings, the opposer bears the burden of establishing that the applicant does not have the right to register its mark."). Since filing its Notice of Opposition on July 24, 2012, Opposer has not moved this proceeding forward diligently and, in fact, has exhibited a pattern of repeatedly seeking requests to extend discovery, as is evidenced below:

Date	Event
10/2/2012	Discovery Opens.
One-Month Gap in Exchanging Initial Disclosures	
11/1/2012	Applicant Serves Its Initial Disclosures by the Deadline.
11/2/2012	Opposer Serves Its Initial Disclosures a Day Late.

¹ Opposer served Applicant with its Motion for Reconsideration on October 17, 2014. Under Rule 2.127(b) of the Trademark Rules of Practice and Section 518 of the Trademark Trial and Appeal Board's Manual of Procedure, Applicant has 15 days, from the date upon which it was served, to respond to Opposer's Motion for Reconsideration. *See* 37 C.F.R. § 2.127(b) ("Any request for reconsideration ... of an order ... issued on a motion must be filed within one month from the date thereof. A brief in response must be filed within 15 days from the date of the service of the request."). Given that November 1, 2014 was a Saturday, Applicant's Response to Opposer's Motion for Reconsideration, which it filed today, Monday, November 3, 2014, is timely. *See* 37 C.F.R. § 2.196 ("When the day ... for taking any action ... in the Office falls on a Saturday, Sunday or Federal holiday ... the action may be taken ... on the next succeeding day that is not a Saturday, Sunday or a Federal holiday.")

E-mails supporting these highlighted facts from November 1-2, 2012 are annexed as Exhibit A-1 to the Declaration of Erin M. Hickey, Esq. (the "Hickey Decl.") filed herewith.	
One-Month Gap Before Opposer Responds to Applicant about Proposed Protective Order	
10/25/2012	Applicant Sends Proposed Protective Order to Opposer for Approval & Execution.
11/27/2012	Applicant Follows Up with Opposer about Proposed Protective Order Due to Opposer's Lack of a Response.
11/29/2012	Opposer Sends Executed Protective Order to Applicant, with Her "Apologies" for the Over One-Month Delay.
12/4/2012	Applicant Files Protective Order with Board. No Exhibit Necessary; Public Record.
E-mails supporting these highlighted facts from October 25, 2012 – November 29, 2012 are annexed as Exhibit A-2 to the Hickey Decl.	
Over Three-Month Gap From the Exchange of Initial Disclosures to First Service of Written Discovery	
2/4/2013	Opposer Serves Its First Set of Written Discovery.
2/4/2013	Opposer Requests Applicant to Extend Discovery by 90 Days.
2/6/2013	Opposer Serves Amended Initial Disclosures.
2/11/2013	Opposer Files to Extend Deadlines by 90 Days, with Applicant's Consent. No Exhibit Necessary; Public Record.
2/13/2013	Applicant Serves Its First Set of Written Discovery.
2/19/2013	Opposer Serves a Notice of Deposition under Rule 30(b)(6). (Opposer Eventually Cancels this Deposition.)
2/28/2013	Opposer Requests an Additional 30 Days, through April 15, 2013, to Respond to Applicant's Discovery, Without Citing Any Reason(s) for the Delay.
E-mails supporting these highlighted facts from February 4, 2013-February, 28, 2013 are annexed as Exhibit A-3 to the Hickey Decl.	
3/6/2013	As a Courtesy, Applicant Agrees, but Requests the Same Extension, to Be Fair. Opposer Agrees.
E-mails supporting these highlighted facts from March 6, 2013 are annexed as Exhibit A-4 to the Hickey Decl.	
3/11/2013	Opposer Again Requests Applicant to Consent to Extend Deadlines by 90 Days, Citing the Fact that It Will Be "Difficult" for Opposer to Engage in Discovery Until the Summer.
E-mails supporting these highlighted facts from March 11, 2013 are annexed as Exhibit A-5 to the Hickey Decl.	

3/12/2013	<i>Opposer Files to Extend Deadlines by 90 Days, but Files Incorrectly.</i> No Exhibit Necessary; Public Record.
3/12/2013	<i>Opposer Re-Files Because It Miscalculated Deadline, as Advised By Applicant.</i>
E-mails supporting these highlighted facts from March 12, 2013 are annexed as Exhibit A-6 to the Hickey Decl.	
No Exhibit of Re-Filing Necessary; Public Record	
3/13/2013	<i>Opposer Requests that the Parties Delay Exchanging Responses & Documents Until June 1, 2013.</i>
An e-mail supporting this highlighted fact from March 13, 2013 is annexed as Exhibit A-7 to the Hickey Decl.	
5/29/2013	<i>Opposer Requests "A Few More Weeks" to Produce Documents. Opposer and Applicant Agree to Provide Responses & Produce Documents by July 15, 2013.</i>
E-mails supporting these highlighted facts from May 29, 2013 are annexed as Exhibit A-8 to the Hickey Decl.	
Five-Month Gap Before Discovery Responses & Documents Produced	
7/15/2013	Applicant Serves Objections and Responses to Opposer's First Set of Written Discovery.
7/16/2013	Opposer Serves Objections and Responses to Applicant's First Set of Written Discovery. Applicant Receives Documents from Opposer.
7/29/2013	<i>Opposer Again Files To Extend Deadlines by 90 Days, with Applicant's Consent.</i> No Exhibit Necessary; Public Record.
8/5/2013	Applicant Produces Its Documents to Opposer.
8/2013-9/2013	Opposer and Applicant Meet and Confer about Applicant's Objections and Responses to Opposer's First Set of Written Discovery.
9/20/2013	<i>Opposer Again Files To Extend Deadlines by 90 Days, with Applicant's Consent.</i> No Exhibit Necessary; Public Record.
Nearly Three-Month Gap Before Opposer Amends Its First Set of Written Discovery	
10/9/2013	Opposer Serves Amended First Set of Interrogatories & Amended First Set of Requests for Production of Documents.
Applicant Timely Responds to Opposer's Amended First Set of Discovery	
11/5/2013	Applicant Serves Objections and Responses to Opposer's Amended First Set of Written Discovery.
11/15/2013	Opposer Produces Supplemental Production.
Over Three-Month Gap Before Opposer Serves Second Set of Written Discovery	

1/17/2014	Opposer Serves Notices of Deposition of Two of Applicant's Witnesses; Confirms It Is No Longer Seeking the Deposition under Rule 30(b)(6) Noticed Nearly a Year Ago.
1/21/2014	Opposer Serves Second Set of Written Discovery.
1/24/2014	Applicant Produces Supplemental Production and Privilege Log.
2/18/2014	<i>Opposer Again Requests to Extend All Deadlines by 60 Days.</i>
An e-mail supporting this highlighted fact from February 18, 2014 is annexed as Exhibit A-9 to the Hickey Decl.	
2/20/2014	Applicant Serves Objections and Responses to Opposer's Second Set of Written Discovery.
2/24/2014-4/11/2014	Motion Practice Before the Board Regarding Parameters of Discovery
2/28/2014	Opposer Serves Amended Responses to Applicant's First Set of Requests for Production of Documents.
3/12/2014	Applicant Serves Re-Designations of Document Production Responsive to Opposer's Second Set of Requests for Production.
3/24/2014	Opposer Serves Second Amended Initial Disclosures.
4/11/2014	Applicant Serves Supplemental Objections and Responses to Opposer's Second Set of Request for Documents, as Ordered by the TTAB.
4/25/2014	Applicant Produces Documents in Response to Opposer's Second Set of Written Discovery.
5/5/2014	<i>Applicant Files Its First Request to Extend Deadlines by 60 days, with Opposer's Consent.</i> No Exhibit Necessary; Public Record.
6/9/2014	Applicant Produces Supplemental Production.
6/17-6/18/2014	Depositions of Two of Applicant's Witnesses.
7/16/2014	<i>Opposer Again Requests Applicant Extend All Deadlines by 90 Days.</i>
An e-mail supporting this highlighted fact from July 16, 2014 is annexed as Exhibit A-10 to the Hickey Decl.	
7/17/2014	<i>Opposer Files to Extend Deadlines By 90 Days, with Applicant's Consent.</i> No Exhibit Necessary; Public Record.
7/30/2014	Applicant Serves First Amended Initial Disclosures.
9/16/2014	Applicant Serves Second Set of Written Discovery & Notice of Deposition under Rule 30(b)(6) of the Federal Rules of Civil Procedure.
10/7/2014	<i>Applicant Files Request to Extend Deadlines by 120 Days with Opposer's Consent; Board Denies the Request.</i>

	No Exhibit Necessary; Public Record.
10/16/2014	Opposer Serves Objections and Responses to Applicant's Second Set of Request for the Production of Documents and Things and Objections to the Topics of Examination for the Notice of Deposition under Rule 30(b)(6) of the Federal Rules of Civil Procedure.
10/21/2014	Opposer Untimely Serves General Objections to Applicant's Second Set of Interrogatories, Refusing to Respond to Any of Them, Despite Assurances to the Contrary.

Conspicuously missing from Opposer's Motion for Reconsideration is the fact that it was Opposer that requested a total of six extensions of all deadlines and a total of 3 other requests to Applicant to extend its deadlines for responding to Applicant's discovery. Moreover, the record reflects periods of three-to-five month delays by Opposer in between its allegedly "diligent" pursuits of discovery.

Despite its dedicated pattern of seeking extensions during this proceeding, Opposer now criticizes Applicant for needing a couple of extra weeks to produce documents in July 2013 (about a three-week extension) and in April 2014 (two-week extension), which caused no known prejudice to Opposer, demonstrated by the fact that Opposer never objected or expressed concern – until now, when it is seeking further time. Opposer also cites the fact that Applicant had to re-arrange the deposition of a witness in June 2014, due to his obligations as a vascular surgeon, which resulted in Opposer cancelling the deposition of a third witness because Opposer refused to depose that witness on another day that week, despite Applicant's counsel traveling to Columbus, Ohio from San Diego, California for the depositions. Notably, Opposer never tried to re-schedule that deposition, and even advised Applicant's counsel after the other two depositions that that third deposition likely would not be necessary. To date, Opposer has not mentioned that deposition, much less tried to re-schedule it.

When Opposer's counsel received the Order denying the request, it was Opposer's counsel who immediately e-mailed Applicant's counsel the very next day, suggesting that they jointly telephone the Interlocutory Attorney to explain the reasons underlying the request or, alternatively, to agree, on their own, that discovery could be conducted beyond December 8, 2014. Annexed hereto as **Exhibit B** to the Hickey Decl. is Opposer's counsel's e-mail to Applicant's counsel dated October 8, 2014. Applicant's counsel advised her later that week, over the telephone, that Applicant wished to comply with the Order, acknowledging that this proceeding has languished for a while, and that Applicant was willing to "move heaven and Earth" to comply with the Order. Applicant's counsel also provided Opposer's counsel with proposed dates for the depositions of one of Applicant's two witnesses, with the promise that Applicant's counsel was trying to secure proposed dates for the second witness.

Not happy with Applicant's response, Opposer's counsel again requested that they jointly telephone the Interlocutory Attorney, given that it would save Opposer time (and likely money), stating: "We understand that your client wants to move ahead as ordered, but rather than just appeal his order we think it would be more productive (and waste less time) if we can try to work out the issues over the phone." Annexed hereto as **Exhibit C** to the Hickey Decl. is Opposer's counsel's e-mail to Applicant's counsel dated October 14, 2014. Given that it would be inappropriate for Opposer's counsel to have an *ex parte* conversation with the Interlocutory Attorney, Applicant's counsel agreed to jointly telephone the Interlocutory Attorney. Applicant's counsel never heard back from Opposer's counsel, until she e-mailed Opposer's counsel, asking for the status of scheduling a telephone call with the Interlocutory Attorney. Only at that point did Opposer's counsel advise Applicant's counsel that she had an *ex parte* telephone conversation with the Interlocutory Attorney, the substance of which was not revealed

to Applicant in much detail, and that, as a result, Opposer would be filing its Motion for Reconsideration.² Annexed hereto as **Exhibit D** to the Hickey Decl. are the e-mails exchanged between counsel dated October 16, 2014.

The fact that Applicant filed the request for extending discovery, instead of Opposer, is meaningless. Not only did Opposer agree to extend the deadline, but Opposer's counsel offered to file it first in her email dated September 26, 2014, which was annexed to her own Declaration in Support of Opposer's Motion for Reconsideration as Exhibit N. Indeed, Applicant's filing of the Request of Extension was no more than a professional courtesy to Opposer's counsel and the fact that she cites this courtesy to support her Motion is reason enough to show Opposer is grasping at straws.

Moreover, once the Interlocutory Attorney flatly denied their request to extend discovery, Opposer evaded its discovery obligations by not responding substantively to Applicant's Second Set of Written Discovery. Indeed, even though Opposer's counsel represented that she and Applicant's counsel were "on the same page" such that Opposer would be responding in substance to Applicant's discovery, and not just providing objections, Opposer decided to mostly just object, after receiving the Order dated October 7, 2014, and not provide much meaningful information at all. Annexed hereto as **Exhibit E** to the Hickey Decl. is Opposing counsel's e-mail to Applicant's counsel dated October 6, 2014. Of course, Opposer most likely intended to force Applicant to move to compel Opposer's responses and documents, which would

² To the extent Opposer's counsel discussed, or attempted to discuss, the substance of this proceeding with the Interlocutory Attorney, other than to request his availability for a joint telephone call with Applicant's counsel, Applicant reserves its right to object and to seek sanctions, if appropriate. *See, generally, Carrini Inc. v. Carla Carini S.R.L.*, 57 U.S.P.Q.2d 1067 (T.T.A.B. 2000) (precedential) (attorneys sanctioned for, among other reasons, attempting to initiate *ex parte* contact with the Board).

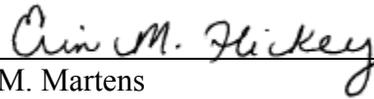
undoubtedly suspend all deadlines in the proceeding, giving Opposer the additional time it is seeking to focus its attention away from this proceeding, and on its recent acquisition.

CONCLUSION

In sum, Applicant requests that the close of discovery remain December 8, 2014 and that the Interlocutory Attorney's Order dated October 7, 2014 stand.

Respectfully submitted,

Dated: November 3, 2014



Lisa M. Martens
Erin M. Hickey
Nancy L. Ly
FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
hickey@fr.com
copy to: lm@fr.com, nll@fr.com,
adh@fr.com, arm@fr.com, and
tmdoctc@fr.com

Attorneys for Applicant,
ENTROTECH LIFE SCIENCES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has this 3rd day of November, 2014 been mailed by electronic mail, as agreed to by the parties, to the below-identified attorneys for Opposer:

Joseph R. Dreitler, Esq.
Mary R. True, Esq.
Dreitler True, LLC
jdreitler@ustrademarklawyer.com
mtrue@ustrademarklawyer.com



April R. Morris

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

In the matter of application Serial Nos.:

85/499,349 for the mark **CHLORADERM**
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CAREFUSION 2200, INC.,

Opposer,

v.

ENTROTECH LIFE SCIENCES, INC.,

Applicant.

Combined Opposition Proceeding
No.: 91-206,212

**DECLARATION OF ERIN M. HICKEY, ESQ. IN SUPPORT OF APPLICANT'S
RESPONSE TO OPPOSER'S MOTION FOR RECONSIDERATION OF THE
INTERLOCUTORY ATTORNEY'S ORDER DATED OCTOBER 7, 2014**

I, Erin M. Hickey, hereby declare and state as follows:

1. I am a Principal with the law firm of Fish & Richardson P.C., which represents Applicant Entrotech Life Sciences, Inc. ("Applicant") in this proceeding. I am duly licensed to practice law in the states of California and New York, and am authorized to practice before the Trademark Trial and Appeal Board of the United States Patent and Trademark Office. I have personal knowledge of the facts stated in this declaration and can and would testify truthfully thereto if called upon to do so.

2. Annexed hereto as **Exhibits A1-A10** are true and correct copies of e-mail correspondence between Opposer's counsel and Applicant's counsel.
3. Annexed hereto as **Exhibit B** is a true and correct copy of Opposer's counsel's e-mail correspondence to Applicant's counsel dated October 8, 2014.
4. Annexed hereto as **Exhibit C** is a true correct copy of Opposer's counsel's e-mail correspondence to Applicant's counsel dated October 14, 2014.
5. Annexed hereto as **Exhibit D** is a true and correct copy of the e-mail correspondence between Opposer's counsel and Applicant's counsel dated October 16, 2014.
6. Annexed hereto as **Exhibit E** is a true and correct copy of Opposer's counsel e-mail correspondence to Applicant's counsel dated October 6, 2014.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge and understanding.

Dated: November 3, 2014

Respectfully submitted,

FISH & RICHARDSON P.C.



Erin M. Hickey
Attorney for Applicant
ENTROTECH LIFE SCIENCES, INC.

EXHIBIT A-1

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:08 AM
To: Nancy Ly
Subject: FW: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)
Attachments: CFN - Entrotech - Initial Disclosures.pdf

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Friday, November 02, 2012 7:30 AM
To: Alexandra Smith; jdreitler@ustrademarklawyer.com
Cc: Lisa Martens; Erin Hickey; APS Outgoing
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Attached are CareFusion's Initial Disclosures.

From: Alexandra Smith [mailto:asmith@fr.com]
Sent: Thursday, November 01, 2012 7:06 PM
To: jdreitler@ustrademarklawyer.com
Cc: mtrue@ustrademarklawyer.com; Lisa Martens; Erin Hickey; APS Outgoing
Subject: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler:

Please find the attached Initial Disclosures sent on behalf of Lisa Martens.

Thank you.

Alexandra R. Smith

ASSISTANT TO LISA M. MARTENS, STEVEN C. McCRACKEN
ERIN M. HICKEY, BEAU MERSEREAU, GERALD HINES, AND MARC ABRAHAMS
FISH & RICHARDSON PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130
(858) 678-5656
ASMITH@FR.COM

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EXHIBIT A-2

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:09 AM
To: Nancy Ly
Subject: FW: Carefusion v. Entrotech - Revised TTAB Protective Order (36883.0003PP1)
Attachments: CFN - Entrotech Executed signature page for PO.pdf

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Thursday, November 29, 2012 8:40 AM
To: Erin Hickey; Lisa Martens
Cc: APS Outgoing; jdreitler@ustrademarklawyer.com; Alexandra Smith
Subject: RE: Carefusion v. Entrotech - Revised TTAB Protective Order (36883.0003PP1)

Dear Erin –

Please see the attached. My apologies for the delay.

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Tuesday, November 27, 2012 9:17 PM
To: Mary True; Lisa Martens
Cc: APS Outgoing; jdreitler@ustrademarklawyer.com; Alexandra Smith
Subject: RE: Carefusion v. Entrotech - Revised TTAB Protective Order (36883.0003PP1)

Hi Mary,

Just following up on my e-mail below. Please let me know when we can expect to receive the executed PO, as we need to file it with the Board.

Thanks,
Erin

From: Erin Hickey
Sent: Thursday, October 25, 2012 12:56 PM
To: 'Mary True'; Lisa Martens
Cc: APS Outgoing; jdreitler@ustrademarklawyer.com; Alexandra Smith
Subject: RE: Carefusion v. Entrotech - Revised TTAB Protective Order (36883.0003PP1)

Hi Mary,

I'm an associate working with Lisa on this matter. Attached is the PO, with paragraph 17 deleted. Please sign and return to me at your earliest convenience.

Best regards,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Thursday, October 25, 2012 8:18 AM
To: Lisa Martens
Cc: Erin Hickey; APS Outgoing; jdreitler@ustrademarklawyer.com
Subject: RE: Carefusion v. Entrotech - Revised TTAB Protective Order (36883.0003PP1)

Dear Lisa –

I am ok with your revisions with the exception of Paragraph 17. I have never had a case that contained such a provision in the protective order, nor have I ever been in a situation where such a provision seemed necessary.

And we are fine with – and prefer --email only service.

Best regards

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

From: Lisa Martens [<mailto:martens@fr.com>]
Sent: Tuesday, October 09, 2012 9:29 PM
To: Mary True
Cc: Erin Hickey; APS Outgoing
Subject: Carefusion v. Entrotech - Revised TTAB Protective Order (36883.0003PP1)

Hi Mary. As a follow up to our discovery conference last week, attached is a redline and clean version of our proposed changes to the TTAB's standard protective order for your review. Also, I forgot to ask on the call whether you would be amenable to agreeing to electronic service of all documents in this proceeding to avoid the delay involved with service by mail. Both parties would agree that service is effective when e-mailed so that any responses due would be calculated from that date.

If you are uncomfortable with that approach (for fear that an email might get lost or misdirected), alternatively we could simply agree that courtesy copies of all documents would be sent via email on the day they are also served by mail so that deadlines could still be calculated based on the mailing date, but the parties would at least be able to receive the documents on the date they were mailed, so as to avoid unnecessary delay.

Please let me know your thoughts on either approach, as well as any comments or changes you may have on the Protective Order, and I look forward to working with you on this matter.

Thanks,
Lisa

Lisa M. Martens
Principal
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130-2081
858-678-4729 (phone)
858-678-5099 (fax)

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Version: 2012.0.2221 / Virus Database: 2629/5426 - Release Date: 11/29/12

EXHIBIT A-3

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:09 AM
To: Nancy Ly
Subject: FW: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Thursday, February 28, 2013 12:40 PM
To: Lisa Martens; 'Joseph Dreitler'; Alexandra Smith
Cc: Erin Hickey; APS Outgoing; 'Tom Trofino'
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Lisa –

On behalf of my client, I would like to request an additional thirty (30) days, to and including April 15, 2013, in which to provide written responses to Applicant's First Set of Interrogatories and First Set of Requests for Production of Document and Things.

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

From: Lisa Martens [mailto:martens@fr.com]
Sent: Saturday, February 09, 2013 6:42 PM
To: Joseph Dreitler; Alexandra Smith
Cc: mtrue@ustrademarklawyer.com; Erin Hickey; APS Outgoing; Tom Trofino
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler,

Entrotech consents to CareFusion amending its opposition to include CareFusion 213, as well as CareFusion's proposed extension of all discovery and trial dates by 3 mos.

Lisa M. Martens
Principal
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130-2081

858-678-4729 (phone)
858-678-5099 (fax)

From: Joseph Dreitler [<mailto:jdreitler@ustrademarklawyer.com>]
Sent: Monday, February 04, 2013 3:22 PM
To: Alexandra Smith
Cc: mtrue@ustrademarklawyer.com; Lisa Martens; Erin Hickey; APS Outgoing; Tom Trofino
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Ms. Smith:

Please see the attached first set of interrogatories and requests for production of documents on behalf of Opposer.

A couple of housekeeping matters. We recently learned from our client about the existing joint development relationship between its subsidiary CareFusion 213 LLC and a company that we believe is related to your client. We request your consent to our amending the Opposition to add as a party plaintiff our client's related entity, CareFusion 213 LLC.

Additionally, given this information, we will undoubtedly need additional time for the discovery, as we intend to take depositions in this matter. Will you consent to an additional 3 months for the close of Discovery?

Thank you for your consideration.

Joseph R. Dreitler
Dreitler True, LLC
137 E. State St.
Columbus, Ohio 43215
614-545-6354
jdreitler@ustrademarklawyer.com
<http://www.ustrademarklawyer.com>

Tier 1 Trademark & Copyright

From: Alexandra Smith [<mailto:asmith@fr.com>]
Sent: Thursday, November 01, 2012 7:06 PM
To: jdreitler@ustrademarklawyer.com
Cc: mtrue@ustrademarklawyer.com; Lisa Martens; Erin Hickey; APS Outgoing
Subject: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler:

Please find the attached Initial Disclosures sent on behalf of Lisa Martens.

Thank you.

Alexandra R. Smith

ASSISTANT TO LISA M. MARTENS, STEVEN C. MCCrackEN
ERIN M. HICKEY, BEAU MERSEREAU, GERALD HINES, AND MARC ABRAHAMS
FISH & RICHARDSON PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130
(858) 678-5656
ASMITH@FR.COM

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EXHIBIT A-4

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:11 AM
To: Nancy Ly
Subject: FW: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Wednesday, March 06, 2013 12:25 PM
To: Erin Hickey
Cc: Lisa Martens; 'Joseph Dreitler'; Alexandra Smith; APS Outgoing; 'Tom Trofino'
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Erin –

Of course. Thanks for your courtesy.

Mary

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Wednesday, March 06, 2013 3:03 PM
To: Mary True
Cc: Lisa Martens; Joseph Dreitler; Alexandra Smith; Erin Hickey; APS Outgoing; Tom Trofino
Subject: Re: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Hi Mary,

Yes, this is fine, provided that you and your client will extend us the same courtesy of a 30-day extension for our responses to your discovery. Our responses, I believe, would then be due April 10.

Thanks,
Erin

Sent from my iPhone

On Mar 6, 2013, at 8:15 AM, "Mary True"
<mtrue@ustrademarklawyer.com<mailto:mtrue@ustrademarklawyer.com>> wrote:

Please advise if this extension is acceptable.

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215

614-545-6355

mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]

Sent: Thursday, February 28, 2013 3:40 PM

To: 'Lisa Martens'; 'Joseph Dreitler'; 'Alexandra Smith'

Cc: 'Erin Hickey'; 'APS Outgoing'; 'Tom Trofino'

Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Lisa –

On behalf of my client, I would like to request an additional thirty (30) days, to and including April 15, 2013, in which to provide written responses to Applicant's First Set of Interrogatories and First Set of Requests for Production of Document and Things.

Thanks –

Mary

Mary R True

Dreitler True LLC

137 E. State Street

Columbus, OH 43215

614-545-6355

mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>

From: Lisa Martens [<mailto:martens@fr.com>]

Sent: Saturday, February 09, 2013 6:42 PM

To: Joseph Dreitler; Alexandra Smith

Cc: mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>; Erin Hickey; APS Outgoing;

Tom Trofino

Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler,

Entrotech consents to CareFusion amending its opposition to include CareFusion 213, as well as CareFusion's proposed extension of all discovery and trial dates by 3 mos.

Lisa M. Martens

Principal

Fish & Richardson P.C.

12390 El Camino Real

San Diego, CA 92130-2081

858-678-4729 (phone)

858-678-5099 (fax)

From: Joseph Dreitler [<mailto:jdreitler@ustrademarklawyer.com>]
Sent: Monday, February 04, 2013 3:22 PM
To: Alexandra Smith
Cc: mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>; Lisa Martens; Erin Hickey; APS
Outgoing; Tom Trofino
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Ms. Smith:

Please see the attached first set of interrogatories and requests for production of documents on behalf of Opposer.

A couple of housekeeping matters. We recently learned from our client about the existing joint development relationship between its subsidiary CareFusion 213 LLC and a company that we believe is related to your client. We request your consent to our amending the Opposition to add as a party plaintiff our client's related entity, CareFusion 213 LLC.

Additionally, given this information, we will undoubtedly need additional time for the discovery, as we intend to take depositions in this matter. Will you consent to an additional 3 months for the close of Discovery?

Thank you for your consideration.

Joseph R. Dreitler
Dreitler True, LLC
137 E. State St.
Columbus, Ohio 43215
614-545-6354
jdreitler@ustrademarklawyer.com<<mailto:jdreitler@ustrademarklawyer.com>>
<http://www.ustrademarklawyer.com><<http://www.ustrademarklawyer.com>>

Tier 1 Trademark & Copyright

From: Alexandra Smith [<mailto:asmith@fr.com>]<[mailto:\[mailto:asmith@fr.com\]](mailto:[mailto:asmith@fr.com])>
Sent: Thursday, November 01, 2012 7:06 PM
To: jdreitler@ustrademarklawyer.com<<mailto:jdreitler@ustrademarklawyer.com>>
Cc: mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>; Lisa Martens; Erin Hickey; APS
Outgoing
Subject: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler:

Please find the attached Initial Disclosures sent on behalf of Lisa Martens.

Thank you.

Alexandra R. Smith
Assistant to Lisa M. Martens, Steven C. McCracken

Erin M. Hickey, Beau Mersereau, Gerald Hines, and Marc Abrahams
Fish & Richardson PC
12390 El Camino Real
San Diego, CA 92130
(858) 678-5656
ASmith@fr.com<<mailto:ASmith@fr.com>>

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EXHIBIT A-5

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:11 AM
To: Nancy Ly
Subject: FW: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Monday, March 11, 2013 1:46 PM
To: Erin Hickey
Cc: Lisa Martens
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Erin – More accurately, we would be asking to kick out all dates for an additional 90 days, not a suspension per se.

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Friday, March 08, 2013 2:34 PM
To: 'Erin Hickey'
Cc: 'Lisa Martens'; 'Joseph Dreitler'; 'Alexandra Smith'; 'APS Outgoing'; 'Tom Trofino'
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Erin –

My client is involved in several other matters over the next few months that will make it difficult for it to engage in discovery until summer. Would you be amenable to suspending this matter for 90 days?

Best –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Wednesday, March 06, 2013 3:03 PM
To: Mary True
Cc: Lisa Martens; Joseph Dreitler; Alexandra Smith; Erin Hickey; APS Outgoing; Tom Trofino
Subject: Re: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Hi Mary,

Yes, this is fine, provided that you and your client will extend us the same courtesy of a 30-day extension for our responses to your discovery. Our responses, I believe, would then be due April 10.

Thanks,
Erin

Sent from my iPhone

On Mar 6, 2013, at 8:15 AM, "Mary True"
<mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>> wrote:

Please advise if this extension is acceptable.

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Thursday, February 28, 2013 3:40 PM
To: 'Lisa Martens'; 'Joseph Dreitler'; 'Alexandra Smith'
Cc: 'Erin Hickey'; 'APS Outgoing'; 'Tom Trofino'
Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Lisa –

On behalf of my client, I would like to request an additional thirty (30) days, to and including April 15, 2013, in which to provide written responses to Applicant's First Set of Interrogatories and First Set of Requests for Production of Document and Things.

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>

From: Lisa Martens [<mailto:martens@fr.com>]
Sent: Saturday, February 09, 2013 6:42 PM

To: Joseph Dreitler; Alexandra Smith

Cc: mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>; Erin Hickey; APS Outgoing;

Tom Trofino

Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler,

Entrotech consents to CareFusion amending its opposition to include CareFusion 213, as well as CareFusion's proposed extension of all discovery and trial dates by 3 mos.

Lisa M. Martens

Principal

Fish & Richardson P.C.

12390 El Camino Real

San Diego, CA 92130-2081

858-678-4729 (phone)

858-678-5099 (fax)

From: Joseph Dreitler [<mailto:jdreitler@ustrademarklawyer.com>]

Sent: Monday, February 04, 2013 3:22 PM

To: Alexandra Smith

Cc: mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>; Lisa Martens; Erin Hickey; APS

Outgoing; Tom Trofino

Subject: RE: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Ms. Smith:

Please see the attached first set of interrogatories and requests for production of documents on behalf of Opposer.

A couple of housekeeping matters. We recently learned from our client about the existing joint development relationship between its subsidiary CareFusion 213 LLC and a company that we believe is related to your client. We request your consent to our amending the Opposition to add as a party plaintiff our client's related entity, CareFusion 213 LLC.

Additionally, given this information, we will undoubtedly need additional time for the discovery, as we intend to take depositions in this matter. Will you consent to an additional 3 months for the close of Discovery?

Thank you for your consideration.

Joseph R. Dreitler

Dreitler True, LLC

137 E. State St.

Columbus, Ohio 43215

614-545-6354

jdreitler@ustrademarklawyer.com<<mailto:jdreitler@ustrademarklawyer.com>>

<http://www.ustrademarklawyer.com><<http://www.ustrademarklawyer.com>>

Tier 1 Trademark & Copyright

From: Alexandra Smith [<mailto:asmith@fr.com>] <[mailto:\[mailto:asmith@fr.com\]](mailto:[mailto:asmith@fr.com])>
Sent: Thursday, November 01, 2012 7:06 PM
To: jdreitler@ustrademarklawyer.com <<mailto:jdreitler@ustrademarklawyer.com>>
Cc: mtrue@ustrademarklawyer.com <<mailto:mtrue@ustrademarklawyer.com>>; Lisa Martens; Erin Hickey; APS
Outgoing
Subject: CareFusion 2200 v. entrotech life sciences, inc. (Our Ref: 36883-0003PP1)

Dear Mr. Dreitler:

Please find the attached Initial Disclosures sent on behalf of Lisa Martens.

Thank you.

Alexandra R. Smith
Assistant to Lisa M. Martens, Steven C. McCracken
Erin M. Hickey, Beau Mersereau, Gerald Hines, and Marc Abrahams
Fish & Richardson PC
12390 El Camino Real
San Diego, CA 92130
(858) 678-5656
ASmith@fr.com <<mailto:ASmith@fr.com>>

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EXHIBIT A-6

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:12 AM
To: Nancy Ly
Subject: FW: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA526128

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Tuesday, March 12, 2013 10:40 AM
To: Erin Hickey
Subject: RE: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA526128

Well that could explain why we haven't gotten anything back from the Board. . .

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Tuesday, March 12, 2013 1:37 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: Lisa Martens; Tony Dylan-Hyde
Subject: FW: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA526128

Hi Mary,

I think there is an error in the below - the close of discovery is listed as 6/29/15, when it should be 6/29/13. Could you please re-file, so that all the dates are re-set correctly?

Thanks,
Erin

-----Original Message-----

From: estta-server@uspto.gov [mailto:estta-server@uspto.gov]
Sent: Tuesday, March 12, 2013 7:31 AM
To: mtrue@ustrademarklawyer.com; jdreitler@ustrademarklawyer.com; ttrifino@ustrademarklawyer.com;
Lisa Martens; Erin Hickey
Subject: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA526128

Stipulated/Consent Motion.

Tracking No: ESTTA526128

ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Stipulated/Consent Motion. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at estta@uspto.gov.

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov> Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for TTABVUE to be updated with information on your submission.

The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA526128

Filing date: 03/12/2013

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

Proceeding : 91206212

Applicant : Carefusion 2200, Inc.

Other Party:Defendant
entrotech, inc.

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

The Close of Discovery is currently set to close on 06/29/2015. Carefusion 2200, Inc. requests that such date be extended for 90 days, or until 09/27/2015, 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 :08/28/2015 Discovery Closes :09/27/2015 Plaintiff's Pretrial Disclosures :11/11/2015

Plaintiff's 30-day Trial Period Ends :12/26/2015 Defendant's Pretrial Disclosures :01/10/2016 Defendant's 30-

day Trial Period Ends :02/24/2016 Plaintiff's Rebuttal Disclosures :03/10/2016 Plaintiff's 15-day Rebuttal

Period Ends :04/09/2016

The grounds for this request are as follows:

Parties are unable to complete discovery/testimony during assigned period

Carefusion 2200, Inc. has secured the express consent of all parties to this proceeding for the extension and

resetting of dates requested herein.

Carefusion 2200, 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 of record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/Mary R True/

Mary R. True

mtrue@ustrademarklawyer.com, jdreitler@ustrademarklawyer.com, ttrifino@ustrademarklawyer.com

martens@fr.com, hickey@fr.com

03/12/2013

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EXHIBIT A-7

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:12 AM
To: Nancy Ly
Subject: FW: CFN 2200 v. entrotech

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Wednesday, March 13, 2013 7:29 AM
To: Erin Hickey; Lisa Martens
Cc: jdreitler@ustrademarklawyer.com; ttrofino@ustrademarklawyer.com
Subject: CFN 2200 v. entrotech

Dear Erin and Lisa –

Since we have moved all dates out 90 days, I was wondering if you would be agreeable to a simultaneous production of written responses and documents by both parties by June 1? We wouldn't be looking for any response to our 30(b)(6) notice until after that.

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

EXHIBIT A-8

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:12 AM
To: Nancy Ly
Subject: FW: CFN v. Entrotech

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Wednesday, May 29, 2013 11:41 AM
To: Erin Hickey; Lisa Martens
Cc: Alexandra Smith; Tony Dylan-Hyde; ttrofino@ustrademarklawyer.com
Subject: RE: CFN v. Entrotech

Thanks Erin. July 15 would be great.

Best –

Mary

Ps - and I didn't realize you were on the Lefkowitz committee, probably because I haven't been very active this year. Please give my best to my old friend Tony Fletcher.

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Wednesday, May 29, 2013 2:33 PM
To: 'Mary True'; Lisa Martens
Cc: Alexandra Smith; Tony Dylan-Hyde
Subject: RE: CFN v. Entrotech

Hi Mary,

Not to worry! How about we push back the June 1 deadline (for both sides) for producing responses to the written discovery/documents to July 15, given the Fourth of July Holiday and likely travel plans?

Thanks,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Wednesday, May 29, 2013 11:25 AM
To: Erin Hickey; Lisa Martens
Subject: CFN v. Entrotech

Dear Erin and Lisa –

I hate to press my luck, but could I have a few more weeks on the CareFusion document production? I have the verified interrogatory responses, but as you might imagine with a big company and a mark that has been in use by it and its predecessors for many years, there are a lot of documents. Somewhere in the neighborhood of 9500 (which seems

excessive to me for a trademark opposition!), and unfortunately when I was looking through them today I saw that our reviewers did not do a very good job of issue spotting and making appropriate confidentiality designations. So I can get you the interrogatory responses, but the documents are still in a bit of a snarl. Another 30 days would be perfect, and I will try to get them out sooner because I am thoroughly sick of them.

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

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EXHIBIT A-9

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:13 AM
To: Nancy Ly
Subject: FW: CFN v/ Entrotech

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Tuesday, February 18, 2014 9:56 AM
To: Erin Hickey
Subject: CFN v/ Entrotech

Erin –

Are you agreeable to a 60 day extension on all dates? I'm not thinking we'll get this done by March 26.. .

Thanks –

Mary

Mary R True
Dreitler True LLC
137 E. State Street
Columbus, OH 43215
614-545-6355
mtrue@ustrademarklawyer.com

EXHIBIT A-10

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 12:11 PM
To: Nancy Ly
Subject: FW: CFN - entrotech

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Wednesday, July 16, 2014 1:07 PM
To: Erin Hickey
Subject: CFN - entrotech

Hi Erin – What are your thoughts on scheduling discovery? I don't think we can get everything done by 9/9. Let me know.

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

EXHIBIT B

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:14 AM
To: Nancy Ly
Subject: FW: CFN v. entrotech

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Wednesday, October 08, 2014 10:27 AM
To: Erin Hickey
Subject: CFN v. entrotech

Erin –

I assume you saw the order categorically denying our motion to extend dates? I've never seen something like that just out of the blue, but I guess we need to figure out plan B. Perhaps a phone call to Polegorges to tell him that we do have depositions scheduled in the coming months and we aren't just drifting along. Perhaps it is possible for us to agree to conduct discovery outside of the discovery period and see if we can reset the testimony period.

Interested in your thoughts. I am, unfortunately, mostly out of the office until Tuesday, but will have some time tomorrow afternoon to talk.

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

EXHIBIT C

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:14 AM
To: Nancy Ly
Subject: FW: entrotech

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Tuesday, October 14, 2014 1:59 PM
To: Erin Hickey
Cc: jdreitler@ustrademarklawyer.com
Subject: entrotech

Erin –

We'd like to set up a call with the Interlocutory to discuss options on the discovery schedule on this matter. We understand that your client wants to move ahead as ordered, but rather than just appeal his order we think it would be more productive (and waste less time) if we can try to work out the issues over the phone. Please let me know some times this week when you would be available and I'll try to get something set up.

Mary

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

EXHIBIT D

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:14 AM
To: Nancy Ly
Subject: FW: entrotech

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Thursday, October 16, 2014 9:27 AM
To: Erin Hickey
Cc: jdreitler@ustrademarklawyer.com
Subject: RE: entrotech

Hi Erin – I talked to the IA yesterday afternoon and asked if we could set up a call with the parties. He wanted nothing to do with it and said he wasn't going to change anything. We will be filing a Motion for Reconsideration, but in case it is not granted, our 30(b)(6) witness, Mr. Criedenberg, can be available in Chicago on December 5. I will get you written responses and objections to your 30(b)(6) notice and RPDS, along with an updated document production, today. I should be able to get responses and objections to your interrogatories by early next week. When will your witnesses be available in November?

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Thursday, October 16, 2014 12:19 PM
To: Mary True
Cc: jdreitler@ustrademarklawyer.com
Subject: Re: entrotech

Hi Mary.

Have you tried to arrange a call with the IA? Friday is best at this point. Please let me know as soon as possible.

Erin

Sent from my iPhone

On Oct 14, 2014, at 4:25 PM, Erin Hickey <Hickey@fr.com<<mailto:Hickey@fr.com>>> wrote:

Hi Mary,

Thursday or Friday work best. Perhaps 11:00 a.m. Pacific?

Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Tuesday, October 14, 2014 1:59 PM
To: Erin Hickey
Cc: jdreitler@ustrademarklawyer.com<<mailto:jdreitler@ustrademarklawyer.com>>

Subject: entrotech

Erin –

We'd like to set up a call with the Interlocutory to discuss options on the discovery schedule on this matter. We understand that your client wants to move ahead as ordered, but rather than just appeal his order we think it would be more productive (and waste less time) if we can try to work out the issues over the phone. Please let me know some times this week when you would be available and I'll try to get something set up.

Mary

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com<<mailto:mtrue@ustrademarklawyer.com>>

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EXHIBIT E

Nancy Ly

From: Erin Hickey
Sent: Monday, November 03, 2014 11:14 AM
To: Nancy Ly
Subject: FW: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Monday, October 06, 2014 11:05 AM
To: Erin Hickey
Cc: Nancy Ly; Tony Dylan-Hyde; April R. Morris; 'Tom Trofino '; jdreitler@ustrademarklawyer.com
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin – I think we are all on the same page. Thanks.

Mary

From: Erin Hickey [mailto:Hickey@fr.com]
Sent: Monday, October 06, 2014 1:38 PM
To: Mary True
Cc: Nancy Ly; Tony Dylan-Hyde; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Sorry for my delay; I've been out of the office on business and my e-mail access is a little spotty!

Sounds like we're calendared for our witnesses the week of January 19, and your witnesses the week of February 9. I look forward to you confirming who the witnesses will be and the exact dates for their depositions. I'm OK with giving your client an additional 30 days to respond to our discovery, with the understanding that we actually will be receiving substantive responses by that date, and not just objections. Will you also be producing documents by that date, as well?

Please let me know if my understanding is correct, and we can file the 120-day extension of all deadlines today.

Thanks,
Erin

From: Mary True [mailto:mtrue@ustrademarklawyer.com]
Sent: Thursday, October 02, 2014 9:02 AM
To: Erin Hickey
Cc: Nancy Ly; Tony Dylan-Hyde; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin – I will block out those dates in San Diego for your witnesses. I'm checking with the client on the 30(b)(6); there may be one other witness. Let's pencil in the second week of February for their depositions. We will certainly agree to extend dates out 120 days, with the understanding that we can have up to an additional 30 days for our discovery responses, currently due 10/16.

Thanks –

Mary

Mary R True
DREITLER TRUE LLC
19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Wednesday, October 01, 2014 8:15 PM
To: Mary True
Cc: Nancy Ly; Tony Dylan-Hyde; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Sorry my delay; I was trying to nail down exact dates for you! We'll make John available 1/20/15 and Jim available 1/22/15 for their depositions. Do these dates work for you? I'll get back to you about location (San Diego vs. San Francisco) shortly.

Can we calendar the second week in February for our 30(b)(6) deposition? If you have two witnesses, I'd prefer to depose them both that week, if possible. Please also confirm the location of the deposition(s).

Given that we have to extend these depositions into the New Year, I'd like to request a 120-day extension of all deadlines, as opposed to our typical 90-day extension. If you agree, we can file that with the Board tomorrow.

Thanks,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Monday, September 29, 2014 12:06 PM
To: Erin Hickey
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

I have no preference either way.

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Monday, September 29, 2014 3:04 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Can you let me know if you're amenable to deposing Jim and John in either San Francisco or San Diego?

Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Friday, September 26, 2014 11:23 AM
To: Erin Hickey
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin – I noticed your witnesses a year ago. We will not make them available until after your witnesses are deposed. If you would like to schedule your witnesses for depositions in November, I will see if our witnesses can be available in December.

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Friday, September 26, 2014 2:17 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

If you would be willing to file the 90-day extension, that would be great; if not, we can handle.

The week of January 19 works for me, and I'll confirm with Jim and John that they also are available that week. Would you prefer San Francisco or San Diego for the location of the depositions?

I can't agree to extend your client's deadline for responding to our second sets of discovery. If you believe that certain topics are beyond the scope of this proceeding, then you can object. I'll consider your position at that time, and move to compel your client's responses and production, if necessary. I also can't agree to February for your client's deposition. I noticed the deposition in September; February is almost six months later. I'll need to depose your witnesses this year, so please let me know who the witnesses will be and what their availability is in December.

Thanks,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Friday, September 26, 2014 7:37 AM
To: Erin Hickey
Cc: Kathy Tsai; April R. Morris; jdreitler@ustrademarklawyer.com; 'Tom Trofino'
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin –

If your witnesses can't be available until January, then I guess we'd better get a 90 day extension of all dates, and let's pencil in the week of January 19. The client is still reviewing your 30(b)(6) notice, which seeks testimony on topics that appear to be significantly outside the scope of this opposition, as do your discovery requests, so we'd like an extra 30 days to respond. Our witnesses will be available in February for deposition.

Let me know if you would like me to file the extension.

Mary

Mary R True
DREITLER TRUE LLC

19 E. KOSSUTH ST
COLUMBUS OH 43206-2001
614.449.6677
614.449.6642(direct)
513.404.5875(cell)
mtrue@ustrademarklawyer.com

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Wednesday, September 24, 2014 7:54 PM
To: Mary True
Cc: Kathy Tsai; April R. Morris
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

With their work schedules, the holidays, travel schedules, etc., Jim and John won't be available until January. That month is largely open, so let me what dates work for you, and I'll confirm they work for us, too. Either San Francisco or San Diego would work for the location of the depositions.

Can you let me know who you'll be designating in response to our 30(b)(6) Notice and can we calendar those depositions (assuming you'll be designating more than one witness) for the second or third week of December?

Given the upcoming depositions and the holidays, I think we'll need to extend all deadlines again. Do you agree?

Thanks,
Erin

From: Mary True [<mailto:mtrue@ustrademarklawyer.com>]
Sent: Wednesday, September 24, 2014 12:52 PM
To: Erin Hickey
Subject: RE: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Erin – any word on dates for your witnesses?

From: Erin Hickey [<mailto:Hickey@fr.com>]
Sent: Tuesday, September 16, 2014 8:16 PM
To: Mary True (mtrue@ustrademarklawyer.com)
Cc: jdreitler@ustrademarklawyer.com; Lisa Martens; Kathy Tsai; Tony Dylan-Hyde; April R. Morris
Subject: Applicant's Second Set of Discovery to Opposer & Notice of Deposition under Rule 30(b)(6)

Hi Mary,

Please see attached. I'm still trying to coordinate with Jim and John regarding possible deposition dates, and I'll be in touch later this week.

Thanks,
Erin

 Erin M. Hickey | Principal
12390 El Camino Real
San Diego, CA 92130

Direct Dial: 858-678-4327

Fax: 858-678-5099

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