

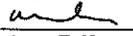
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Filing date: **12/19/2008**

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

Proceeding	92049753
Party	Defendant Encore Medical Asset Corporation
Correspondence Address	Julie L Dalke Latham & Watkins 650 Town Center Drive, Suite 2000 Costa Mesa, CA 92626 UNITED STATES ipdocket@lw.com
Submission	Other Motions/Papers
Filer's Name	Julie L. Dalke
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Signature	/Julie L. Dalke/
Date	12/19/2008
Attachments	92049753.pdf (3 pages)(53183 bytes)

I hereby certify that this correspondence is being submitted electronically via the U.S. Patent and Trademark Office's Electronic System for Trademark Trials and Appeals ("ESTTA") web link <http://esta.uspto.gov/> on December 19, 2008.


Anna T. Kwan

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

Zimmer, Inc.,)	
)	
Plaintiff,)	
v.)	Cancellation No. 92049753
)	
Encore Medical Asset Corporation,)	
)	
Registrant.)	
_____)	

**STIPULATED MOTION FOR THIRTY (30) DAY EXTENSION OF TIME TO ANSWER
AND THIRTY (30) DAY EXTENSION OF DISCOVERY PERIOD**

Encore Medical Asset Corporation ("Registrant"), by and through its attorney of record, hereby request that the Board grant a 30-day extension of time for Registrant to file its Answer to the Cancellation Action. Plaintiff, Zimmer, Inc., by and through its attorney of record, Christina L. Brown, granted consent to this 30-day extension in a telephone call with Registrant's Corporate Counsel, Scott E. Way, on December 18, 2008. Since the Answer deadline, when extended, will be due on the currently scheduled date for discovery to open, the parties also request that all discovery and trial dates listed in the Board's initial scheduling order also be extended.

The new deadlines as stipulated are as follows:

Deadline for Applicant's Answer	January 21, 2009
Deadline for Discovery Conference:	February 20, 2009
Discovery Opens:	February 20, 2009

Initial Disclosures Due: March 30, 2009
Expert Disclosures Due: July 19, 2009
Discovery Closes: August 20, 2009
Plaintiff's Pretrial Disclosures: October 2, 2009
Plaintiff's 30-day Trial Period Ends: November 16, 2009
Defendant's Pretrial Disclosures: December 1, 2009
Defendant's 30-day Trial Period Ends: January 15, 2010
Plaintiff's Rebuttal Disclosures: January 30, 2010
Plaintiff's 15-day Rebuttal Period Ends: March 1, 2010

The parties have been in contact and are currently in settlement negotiations. The parties need additional time to continue settlement negotiations.

Dated: December 19, 2008

LATHAM & WATKINS LLP

By:  _____

Julie L. Dalke, Esq.
Attorney for Applicant

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Costa Mesa, California 92626-1925
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CERTIFICATE OF SERVICE

I, Anna T. Kwan, hereby certify that I served a true and correct copy of the foregoing **STIPULATED MOTION FOR THIRTY (30) DAY EXTENSION OF TIME TO ANSWER AND THIRTY (30) DAY EXTENSION OF DISCOVERY PERIOD** by email and first class mail upon:

Christina L. Brown
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300 South Wacker Drive
Chicago, Illinois 60606-6709
brownc@mbhb.com

Counsel for Plaintiff
Zimmer, Inc.

On December 19, 2008



Anna T. Kwan