

ESTTA Tracking number: **ESTTA577478**

Filing date: **12/18/2013**

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

Proceeding	92056509
Party	Defendant 3D Systems, Inc.
Correspondence Address	JASON M SNEED SNEED PLLC 610 JETTON ST STE 120-107 DAVIDSON, NC 28036 9318 UNITED STATES jsneed@sneedlegal.com, clandrum@sneedlegal.com, sarah@sneedlegal.com, litigation@sneedlegal.com
Submission	Motion to Extend
Filer's Name	Jason M. Sneed
Filer's e-mail	JSneed@SneedLegal.com, Sarah@SneedLegal.com, Litigation@SneedLegal.com
Signature	/Jason M. Sneed/
Date	12/18/2013
Attachments	2013-12-18 Second Motion for Extension of Time to Respond to Discovery Requests.pdf(196766 bytes)

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

_____)	
Autodesk, Inc.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92056509
)	
3D Systems, Inc.,)	
)	
Respondent.)	
_____)	

**RESPONDENT’S SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO
DISCOVERY REQUESTS**

Respondent, 3D Systems, Inc. (“Respondent” or “3D Systems”), pursuant to TBMP § 403.04, respectfully moves for an additional extension of 30 days to the discovery requests of Petitioner, Autodesk, Inc. (“Petitioner” or “Autodesk”). Respondent has good cause for this request, the Board has not ruled upon Respondent’s prior request, and the motion is being filed before the proposed first extended deadline for the service of responses has passed.

In further support of Respondent’s motion, Respondent states as follows:

1. Petitioner instigated this proceeding November 29, 2012 and the proceeding has been suspended twice, once for the resolution of Respondent’s motion to dismiss and, more recently, so the parties could engage in settlement discussions. The discovery period currently is open through January 18, 2014.

2. On December 12, 2013, Petitioner moved to extend its own discovery requests and the operative schedule for this proceeding, without the consent of Respondent. Respondent has no objection to the proposed amended proceeding schedule set forth in Petitioner’s December 12 motion, and believes that counsel for the parties can work out a consent agreement with respect to their respective discovery response and production deadlines.

3. On September 6, 2013, Petitioner served *Petitioner's First Set of Interrogatories to Registrant* and *Petitioner's First Set of Requests for Production to Registrant*. Respondent's responses initially were due October 11, 2013.

4. Prior to the initial discovery response deadline, counsel for the parties agreed that Respondent's deadline by which it must provide its objections and responses to the discovery requests would be extended by 30 days, up to and including November 11, 2013.

5. For several months the parties have been engaging in settlement discussions, and the initial extension of time aimed to accommodate further negotiations. Counsel for the parties have conferred by phone as recently as November 8 and November 13, 2013 to narrow the issues in dispute between the parties, and Respondent's counsel sent additional correspondence pertaining to settlement and discovery matters to Petitioner's counsel on December 14, 2013.

6. Relatedly, on October 5, 2013, Respondent filed a *Motion for Suspension for Settlement with Consent*, with the consent of Petitioner, seeking to suspend this proceeding by 30 days. The Board granted such suspension motion on October 7, 2013, which order extended the close of discovery to January 18, 2014. This proceeding automatically resumed on November 5, 2013.

7. During the initial 30-day discovery response extension, the parties continued to engage in discussions aiming to resolve this proceeding. On November 7, 2013, Respondent requested, in writing, a second 30-day extension of time to respond to discovery, to November 18, 2013, and Petitioner's counsel consented to a seven-day extension of time while he conferred with his client about settlement matters and the request for a second 30-day extension of time.

8. On November 13, 2013, despite the continued advancement of settlement talks, counsel for Petitioner conveyed during the most recent settlement conference that his client

refused to provide any further extension of the discovery response deadline, making the responses due three business days later, November 18, 2013. Respondent moved for a 30-day extension of the discovery deadline, to December 18, 2013.

9. Due to the travel schedules of key discovery response and collection personnel pertaining to end-of-year holidays, the discovery responses have not been able to be completed in the relevant time. This motion is filed for good cause, and to accommodate Respondent's witnesses and the completion of the responses. Settlement negotiations also have impaired the ability to respond to discovery requests, but Respondent now is endeavoring to complete the responses notwithstanding the settlement discussions.

10. Accordingly, for good cause and pursuant to TBMP § 403.04, Respondent respectfully moves for an additional extension of time of 30 days to provide its responses and objections to the *Petitioner's First Set of Interrogatories to Registrant* and *Petitioner's First Set of Requests for Production to Registrant*, making the new responsive deadline January 17, 2014.

WHEREFORE, Respondent, 3D Systems, Inc., respectfully requests an order extending the Respondent's discovery response deadline by 30 additional days to January 17, 2014, and for such other and further relief as the Board deems just and reasonable.

Respectfully submitted,

Dated: December 18, 2013

/s/ Jason M. Sneed

Jason M. Sneed

SNEED PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina 28036
(704) 779-3611 (tel)
JSneed@SneedLegal.com

Attorney for Respondent, 3D Systems, Inc.

Certificate of Filing

The undersigned certifies that a copy of the foregoing **RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME TO EXTEND DISCOVERY DEADLINE** has been filed through the Electronic System for Trademark and Trial Appeals, this the 18th day of December, 2013.

/s/ Jason M. Sneed

An Attorney for Respondent

Certificate of Service

The undersigned counsel of record certifies that a copy of the foregoing **RESPONDENT'S SECOND MOTION FOR EXTENSION OF TIME TO EXTEND DISCOVERY DEADLINE** has been served upon Petitioner via U.S. Mail, this the 18th day of December, 2013, to the following counsel of record:

John L. Slafsky
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304-1050
trademarks@wsgr.com
Attorney for Petitioner

/s/ Jason M. Sneed

An Attorney for Respondent