

ESTTA Tracking number: **ESTTA64260**

Filing date: **01/30/2006**

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

Proceeding.	91160810
Applicant	Plaintiff The Mentholatum Company
Other Party	Defendant TherOx, Inc. TherOx, Inc. 2400 Michelson Drive Irvine, CA 926121310

### **Motion for an Extension of Discovery or Trial Periods With Consent**

The Close of Plaintiff's Trial Period is currently set to close on 02/28/2006. The Mentholatum Company requests that such date be extended for 90 days, or until 05/29/2006, and that all subsequent dates be reset accordingly. The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

The Mentholatum Company has secured the express consent of all other parties to this proceeding for the extension requested herein.

The Mentholatum Company 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 record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

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01/30/2006