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

Proceeding	91161183
Party	Plaintiff ING DIRECT BANCORP (by change of name from ING USA HOLDING CORPORATION)
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Date	05/14/2009
Attachments	Consented Motion to Suspend and Extend.pdf ( 4 pages )(132916 bytes )

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

ING DIRECT BANCORP (by change of name  
from ING USA HOLDING CORPORATION),

*Opposer,*

v.

ORANGE PERSONAL  
COMMUNICATIONS SERVICES LIMITED,

*Applicant.*

**CONSOLIDATED**

Opposition Nos. **91-161,183 (Parent)**

91-162,981

91-163,494

91-163,523

91-164,137

91-164,807

91-185,077

**MOTION ON CONSENT TO SUSPEND PROCEEDINGS AND DISCOVERY  
DEADLINES AND TO EXTEND DISCOVERY AND TRIAL SCHEDULE**

Opposer ING DIRECT Bancorp (hereafter, "ING DIRECT"), with the consent of Applicant Orange Personal Communications Services Limited (hereafter, "OPC"), requests that this proceeding be suspended for six (6) months, subject to the right of either party to request resumption of the proceeding at any time.

This suspension is not sought for the purposes of delay, but rather, is necessary to allow the parties to continue their active and productive settlement discussions. To date, the parties have exchanged several draft settlement agreements and, on May 4, 2009, held a teleconference to discuss the few remaining points at issue. With regard to these issues, the parties intend to review proposed language shortly with the hope that they can conclude the settlement of this matter in the very near future. At this time, responding to discovery served by OPC in November of last year would hinder the parties' active and ongoing efforts to resolve all outstanding matters for final settlement of this matter.

ING DIRECT further requests, for the same reasons noted above, and with the consent of OPC, that the period for discovery, which currently is set to close on July 13, 2009, be extended until sixty (60) days from the date of resumption of this proceeding, and that all subsequent dates be reset accordingly.

ING DIRECT further requests, for the same reasons noted above, and with the consent of OPC, that it be allowed fourteen (14) days from resumption of this proceeding to oppose or otherwise respond to OPC's Motion to Compel filed on November 5, 2008, and that OPC be allowed fifteen (15) days from the date of ING DIRECT's response to file a reply to any such response.

ING DIRECT further requests, for the same reasons noted above, and with the consent of OPC, that it be allowed fourteen (14) days from resumption of this proceeding to respond or otherwise object to the discovery requests served by OPC on ING DIRECT on or prior to November 11, 2008, namely:

- Second Set of Interrogatories, dated October 14, 2008 (Nos. 16-17);
- Third Set of Interrogatories, dated October 24, 2008 (Nos. 18-19);
- Second Set of Document Requests, dated October 14, 2008 (Nos. 41-54);
- Third Set of Document Requests, dated October 24, 2008 (Nos. 55-69); and
- First Set of Requests for Admission, dated October 24, 2008 (Nos. 1-41).

Accordingly, unless either party requests resumption prior to the expiration of the six (6) months, ING DIRECT requests, with the consent of OPC, this Board's approval of the following proposed schedule:

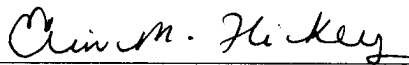
<b>Proceedings Resume</b>	11/14/2009
<b>ING DIRECT's Responses to Discovery Served by OPC prior to November 11, 2008</b>	11/28/2009
<b>ING DIRECT's Response to OPC's Motion to Compel filed on November 5, 2008</b>	11/28/2009
<b>OPC's Reply to ING DIRECT's Response to OPC's Motion to Compel filed on November 5, 2008</b>	12/13/2009
<b>Discovery Period to Close</b>	01/13/2010
<b>Thirty-day testimony period for party in position of plaintiff to close</b>	04/11/2010
<b>Thirty-day testimony period for party in position of defendant to close</b>	06/10/2010
<b>Fifteen-day rebuttal testimony period to close</b>	07/24/2010

On Thursday, May 7, 2009, counsel for OPC consented and agreed to the foregoing Motion and all requests made herein.

Dated: May 14, 2009

Respectfully submitted,

**FISH & RICHARDSON P.C.**

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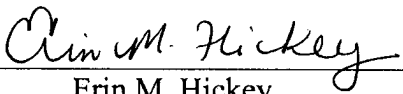
*Attorneys for Opposer,*  
**ING DIRECT BANCORP**

**CERTIFICATE OF SERVICE**

This is to certify that, on this 14th day of May, 2009, a true copy of the foregoing **MOTION ON CONSENT TO SUSPEND PROCEEDINGS AND DISCOVERY DEADLINES AND TO EXTEND DISCOVERY AND TRIAL SCHEDULE** has been sent by first-class mail and electronic mail to Applicant's attorneys of record:

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**FISH & RICHARDSON P.C.**

By:   
Erin M. Hickey