

ESTTA Tracking number: **ESTTA201185**

Filing date: **03/27/2008**

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

Proceeding.	91163836
Applicant	Plaintiff SMARTPOOLS INC.
Other Party	Defendant GREEN ENERGY INC.

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

The Close of Discovery is currently set to close on 03/27/2008. SMARTPOOLS INC. requests that such date be extended for 60 days, or until 05/26/2008, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 05/26/2008  
Thirty-day testimony period for party in position of plaintiff to close : 08/24/2008  
Thirty-day testimony period for party in position of defendant to close : 10/23/2008  
Fifteen-day rebuttal testimony period to close : 12/07/2008

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

SMARTPOOLS INC. has secured the express consent of all other parties to this proceeding for the extension requested herein.

SMARTPOOLS 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 record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/James M. Slattery/  
James M. Slattery  
jms@bskb.com, mailroom@bskb.com, johnst@bskb.com  
tom.toner@smithhopen.com,  
03/27/2008