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Filing date: **04/24/2009**

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

Proceeding	91165206
Party	Defendant Research Triangle Institute
Correspondence Address	Arlene D. Hanks Moore & Van Allen PLLC 430 Davis Drive, Suite 500 Morrisville, NC 27560 UNITED STATES arlenehanks@mvalaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Arlene D. Hanks
Filer's e-mail	arlenehanks@mvalaw.com
Signature	/arlenedhanks/
Date	04/24/2009
Attachments	GEODE Opposition - Consent Motion for Extension of Discovery and Testimony Periods.pdf (4 pages)(95064 bytes)

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

ADVANCED MICRO DEVICES, INC.,	)	
Opposer,	)	
v.	)	Opposition No. 91165206
RESEARCH TRIANGLE INSTITUTE,	)	
Applicant.	)	

MOTION TO EXTEND DISCOVERY
AND TESTIMONY PERIODS WITH CONSENT

Applicant, Research Triangle Institute, with consent of Opposer, Advanced Micro Devices, Inc., hereby requests that the discovery and testimony periods be extended for 60 days, and in support thereof states as follows:

1. As indicated in the parties' prior extension request, the parties have been actively engaged in settlement discussions. In-house attorneys for both the Opposer and the Applicant have been having direct business-to-business discussions to directly explain the technical specifics of the other parties' businesses and their positions on how coexistence of use and/or registration of the mark at issue for certain goods and services would impact the other party and its business.

2. The in-house attorneys for both parties have continued active settlement discussions and are continuing to exchange proposed drafts of the Settlement Agreement. Through these negotiations, the parties have resolved some of the issues left outstanding when the previous Motion to Extend Discovery and Testimony Periods was granted, but some issues are the subject of continuing negotiations.

3. Counsel for both parties believe it is in the interests of the parties and judicial economy to proceed in this manner first in an effort to comprehensively resolve all issues between the parties arising out of their respective marks before concluding that settlement cannot be reached and pursuing active litigation of this proceeding. Both parties have or are prepared to serve written discovery in this matter, and if a mutually agreeable settlement cannot be reached such that litigation of this proceeding becomes necessary to resolve the issues between the parties, the parties would proceed promptly with discovery thereafter. Nevertheless, both outside and in-house counsel for both parties remain hopeful that settlement can be achieved without the necessity of litigation.

4. Counsel for Opposer consented to this request on April 24, 2009, by e-mail.

5. Accordingly, it is respectfully requested that this Motion be granted, and that the discovery and testimony schedule be amended as follows:

Discovery Period to Close:	June 25, 2009
Testimony period for party in position of Plaintiff to Close (Opening thirty (30) days prior thereto):	September 23, 2009
Testimony period for party in position of Defendant to Close (Opening thirty (30) days prior thereto):	November 22, 2009
Rebuttal Testimony Period to Close (Opening fifteen (15) days prior thereto):	January 6, 2010

WHEREFORE, Applicant, with the consent of Opposer, respectfully requests that the discovery and testimony periods in this proceeding be extended by sixty (60) days.

Respectfully submitted,

MOORE & VAN ALLEN PLLC

Date: April 24, 2009

By:

Arlene D. Hanks
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Morrisville, North Carolina 27560
Telephone: (919) 286-8000
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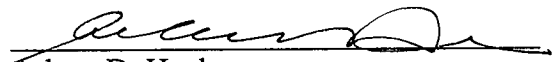
Attorneys for Applicant,
Research Triangle Institute

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION TO EXTEND DISCOVERY AND TESTIMONY PERIODS WITH CONSENT was served upon Andrew N. Downer, Esq., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606, counsel for Opposer, by First Class United States Mail, Postage Prepaid, and by electronic mail, on this 24th day of April, 2009.



Arlene D. Hanks