

ESTTA Tracking number: **ESTTA314211**

Filing date: **10/29/2009**

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

Proceeding.	91170571
Applicant	Plaintiff Yamaha Hatsudoki Kabushiki Kaisha Yamaha Motor Corporation, USA
Other Party	Defendant King's IP, LLC

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 10/29/2009. Yamaha Hatsudoki Kabushiki Kaisha requests that such date be extended for 90 days, or until 01/27/2010, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 01/27/2010
Thirty-day testimony period for party in position of plaintiff to close : 04/27/2010
Thirty-day testimony period for party in position of defendant to close : 06/26/2010
Fifteen-day rebuttal testimony period to close : 08/10/2010

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *Opposer believes the parties are close to settling the matter. Opposer sent a settlement agreement to Applicant on September 11, 2009 which opposer believes reflects both parties' intent at the time. In a telephone message today, Applicant's counsel said that Applicant has had a change in management, and that they would need time to review the agreement. This extension is not requested for purposes of delay, but rather to avoid the expense of discovery since the amicable settlement of this matter appears likely.*

Yamaha Hatsudoki Kabushiki Kaisha has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Yamaha Hatsudoki Kabushiki Kaisha 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,

/Catherine J. Holland/

Catherine J. Holland

efiling@kmob.com

morriss@utahpatents.com, marks@utahpatents.com, crockett@utahpatents.com,

compagni@utahpatents.com

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