

ESTTA Tracking number: **ESTTA228254**

Filing date: **08/04/2008**

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

Proceeding.	91170578
Applicant	Plaintiff Yamaha Motor Corporation, U.S.A.
Other Party	Defendant Pro Aluminum, Inc.

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

The Close of Discovery is currently set to close on 08/04/2008. Yamaha Motor Corporation, U.S.A. requests that such date be extended for 90 days, or until 11/02/2008, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 11/02/2008  
Thirty-day testimony period for party in position of plaintiff to close : 01/31/2009  
Thirty-day testimony period for party in position of defendant to close : 04/01/2009  
Fifteen-day rebuttal testimony period to close : 05/16/2009

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *Opposer and Applicant respectfully request an additional extension to the discovery period, or a suspension of further action. Since the onset of this matter, the parties have been engaged in serious negotiations regarding a possible amicable resolution of this opposition. At issue is not only the mark in the subject application, but also other marks and tradenames used by Applicant, and which Opposer has alleged are an infringement of its rights. Applicant has modified its website in an effort to settle the matter, and the parties believe they are close to resolving the remaining issues. Rather than go to the expense of discovery, the parties request additional time to hopefully conclude their negotiations and arrive at a mutually satisfactory settlement agreement.*

Yamaha Motor Corporation, U.S.A. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Yamaha Motor Corporation, U.S.A. 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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08/04/2008