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

Proceeding	91172536
Party	Plaintiff NEWPORT ELECTRONICS, INC
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Submission	Stipulated/Consent Motion to Extend
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Date	06/20/2008
Attachments	NewportGaincoEOTJune.pdf (3 pages)(27137 bytes)

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

NEWPORT ELECTRONICS, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91172536
)	
GAINCO, INC.,)	
)	
Applicant.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
OPPOSER'S BRIEF AND EXTENSION OF SUBSEQUENT DEADLINES**

Opposer, Newport Electronics, Inc. ("Newport" or "Opposer"), hereby files this Unopposed Motion for Extension of Time to extend the deadline for Opposer's Brief by thirty (30) days. Newport respectfully requests that its current deadline for filing its brief, which is June 20, 2008, be extended by thirty (30) days, until and including **July 20, 2008**. Counsel for Applicant, Gainco, Inc. ("Gainco" or "Applicant"), was contacted on June 19, 2008 and consented to this Motion and the relief sought herein thereafter.

The parties have also agreed to extend the subsequent deadlines for Applicant's brief and Opposer's reply brief, by thirty (30) days, as follows: Applicant's brief, which is currently due no later than July 20, 2008, shall be due no later than **August 19, 2008** (or 30 days after the filing of Opposer's brief, whichever is sooner), and Opposer's reply brief, which is currently due no later than August 4, 2008, shall be due no later than **September 3, 2008** (or 15 days after the filing of Applicant's brief, whichever is sooner). Both parties have consented to the above-identified deadlines, and seek these extensions due to ongoing settlement discussions.

In the Interlocutory Attorney's Order dated March 17, 2008, he requested that in

the event the parties seek an additional extension of time, that they provide a progress report regarding ongoing settlement negotiations. This Opposition proceeding began on August 22, 2006. The parties proceeded with this opposition through the end of discovery without seeking any extensions of time. While the parties' occasionally discussed settlement during that time, settlement did not truly progress. The parties' first request for extension of time in this case occurred in November 2007 when a new exchange of settlement terms appeared to have the potential to settle this matter. The parties have been engaged in settlement discussions since this time, however, a formal written agreement (as opposed to separate terms) was exchanged for the first time on February 21, 2008. The settlement discussions have continued since the last request for extension of time, the last exchange of a draft Co-Existence Agreement occurring on June 19, 2008.

While the parties cannot guarantee settlement of this matter by a date certain, they both are hopeful to resolve this matter as soon as possible. The parties believe that resolution of this matter within sixty (60) days is possible. The parties have requested a 30 day extension of time in order to insure the parties continue to work diligently place "pressure" on the parties to continue working towards settlement of this matter.

Respectfully submitted,
Newport Electronics, Inc.

Date: June 20, 2008

/Nicole M. Meyer/
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2008, the accompanying ***Unopposed Motion for Extension of Time to File Opposer's Brief and Extension of Subsequent Deadlines*** was served by e-mail (upon consent) on Applicant's counsel at the following address:

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