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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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Attachments	NewportGaincoEOTOct.pdf ( 3 pages )(34248 bytes )

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

<b>NEWPORT ELECTRONICS, INC.,</b>	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91172536
	)	
<b>GAINCO, INC.,</b>	)	
	)	
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 October 18, 2008, be extended by thirty (30) days, until and including **November 17, 2008**. Counsel for Applicant, Gainco, Inc. ("Gainco" or "Applicant"), was contacted on October 17, 2008 and has 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 November 17, 2008, shall be due no later than **December 17, 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 December 2, 2008, shall be due no later than **January 1, 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 in order to effectuate the terms of their Co-Existence

Agreement.

In the Interlocutory Attorney's Order dated June 23, 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 since the time the last extension was granted. The settlement discussions have continued since the last request for extension of time and, in fact, the parties have entered into, and fully executed, a Co-Existence Agreement. The parties seek this additional extension of time merely to allow the parties time to carry out the terms of their Agreement.

Respectfully submitted,  
**Newport Electronics, Inc.**

Date: October 17, 2008

**/Nicole M. Meyer/**  
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## CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 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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/Nicole M. Meyer/