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

Proceeding	91173267
Party	Plaintiff 4273371 Canada Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	05/22/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

4273371 CANADA INC.,

Opposer,

v.

THE TOPLINE CORPORATION,

Applicant.

BOX TTAB - FEE

Opposition No. 91/173,267

(Serial No. 78/679,485)

(Serial No. 78/679,482)

**CONSENT MOTION TO REOPEN AND EXTEND DISCOVERY
PERIOD AND TRIAL DATES FOR SIXTY (60) DAYS**

The parties hereby move, on consent, that the discovery period be reopened and trial dates be extended for an additional sixty (60) days such that the new dates are:

Period for discovery to close:	07/20/2008
30-day testimony period for the party in position of plaintiff to close:	10/18/2008
30-day testimony period for the party in the position of defendant to close:	12/17/2008
15-day rebuttal testimony period to close:	01/31/2009

This extension is not for purposes of delay. The parties are in the midst of settlement negotiations. Counsel for Applicant consented to this motion in an email dated May 21, 2008. Due to inadvertent office error, this motion is being filed one day after the close of discovery. Thus, the “failure to act during the time previously allotted therefor was the result of excusable neglect” and the discovery period should be reopened and the dates extended pursuant to the

agreement between the parties. T.B.M.P. § 509.01(b)(1). Accordingly, the parties respectfully request that the Board issue an Order reopening discovery, extending the discovery period 60 days, and resetting the testimony periods accordingly.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: New York, New York
May 22, 2008

By: s/Abigail Rubinstein
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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2008, a copy of the foregoing CONSENT MOTION TO REOPEN AND EXTEND DISCOVERY PERIOD AND TRIAL DATES FOR SIXTY (60) DAYS was caused to be served upon counsel for Applicant, via First-Class Mail, postage prepaid, addressed as follows:

William O. Ferron, Esq.
SEED IP LAW GROUP PLLC
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104

s/Abigail Rubinstein

CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing document was transmitted by electronic means to the United States Patent and Trademark Office on the date shown below.

Abigail Rubinstein

(Type or printed Name of Person Signing
Certificate)

s/Abigail Rubinstein

(Signature)

May 22, 2008

(Date)