

ESTTA Tracking number: **ESTTA139961**

Filing date: **05/10/2007**

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

Proceeding.	91173550
Applicant	Defendant Pacesetter, Inc.
Other Party	Plaintiff Zimmer Technology, Inc.

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

The Close of Discovery is currently set to close on 05/13/2007. Pacesetter, Inc. requests that such date be extended for 90 days, or until 08/11/2007, and that all subsequent dates be reset accordingly.

Discovery Period to Close : 08/11/2007  
Thirty-day testimony period for party in position of plaintiff to close : 11/09/2007  
Thirty-day testimony period for party in position of defendant to close : 01/08/2008  
Fifteen-day rebuttal testimony period to close : 02/22/2008

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*

Pacesetter, Inc. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Pacesetter, Inc. 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 First Class Mail on this date.

Respectfully submitted,  
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05/10/2007