

ESTTA Tracking number: **ESTTA134784**

Filing date: **04/11/2007**

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

Proceeding.	91175638
Applicant	Defendant Depomed, Inc.
Other Party	Plaintiff Lilly ICOS L.L.C.

### **Motion for an Extension of Time to Answer With Consent**

Depomed, Inc.'s answer is currently due on 04/24/2007, and the close of discovery is currently set for 09/01/2007. Depomed, Inc. requests that its time to answer be extended by 30 days from the current due date, or until 05/24/2007. The grounds for applicant's request are as follows:

- *The parties are discussing settlement*

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

Depomed, 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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04/11/2007