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

Proceeding	91190931
Party	Plaintiff Ipswitch, Inc.
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Submission	Stipulated/Consent Motion to Extend
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Ipswitch, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition Nos.
)	91190931
)	91193565
Nero AG,)	91195675
)	
Applicant.)	
)	

JOINT REQUEST FOR RE-SETTING OF TESTIMONY PERIODS

The parties to this consolidated opposition proceeding, by their respective counsel, request that the testimony periods be postponed by one month and re-set as follows:

Plaintiff's testimony period ends:	October 13, 2012
Defendant's testimony period ends:	December 12, 2012
Plaintiff's rebuttal period ends:	January 27, 2013

The grounds for this request are as follows:

The parties have reached an agreement in principle to settle this matter. Settlement papers have been prepared and are now being considered by Applicant Nero AG. The settlement would resolve all three opposition proceedings. It is expected that the settlement will be finalized within the next two weeks. Due to confidentiality, the parties would rather not present in this motion any of the points of agreement, but are willing to discuss them with the Interlocutory Attorney in

a telephone conference.

The testimony period for Opposer is currently scheduled to open on August 14, 2012. However, the litigation and/or vacation schedules for respective counsel for the parties requires that the periods be re-set. Counsel for Opposer is involved in thirteen currently-pending TTAB proceedings, two patent litigations, and five trademark lawsuits, all demanding various levels of attention during the next month. In the TTAB cases, discovery responses are due before the end of the month in two opposition proceedings, a response to a motion to amend is due in mid-September in a third opposition, and in a fourth, it is expected that discovery depositions will be taken in early September. In the patent litigations (both involving troll plaintiffs in the Eastern District of Texas), non-infringement contentions are due in the first part of September. The five trademark litigations are all active, one heading to a summary judgment hearing, two in early discovery, and two in the early stages of settlement. In addition to this litigation schedule, Opposer's counsel has his usual plate-full of trademark and patent prosecution and counseling matters. Finally, Opposer's counsel hopes to take at least one week of vacation before the end of August.

Applicant's counsel is similarly involved in 5 corporate financing and M&A transactions that are set to close within the next 30 days. In addition, Applicant's counsel intends to take a few vacation days within such time period as well.

For the foregoing reasons, it is respectfully requested that the testimony periods be postponed by one month.

Ipswitch, Inc.

Nero AG



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Date: August 9, 2012



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