

ESTTA Tracking number: **ESTTA357771**

Filing date: **07/13/2010**

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

Proceeding.	91193328
Applicant	Plaintiff Sepracor Inc.
Other Party	Defendant Cal India Foods International

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

The Defendant's Time to Answer is currently set to close on 07/17/2010. Sepracor Inc. requests that such date be extended for 60 days, or until 09/15/2010, and that all subsequent dates be reset accordingly.

Time to Answer :	09/15/2010
Deadline for Discovery Conference :	10/15/2010
Discovery Opens :	10/15/2010
Initial Disclosures Due :	11/14/2010
Expert Disclosure Due :	03/14/2011
Discovery Closes :	04/13/2011
Plaintiff's Pretrial Disclosures :	05/28/2011
Plaintiff's 30-day Trial Period Ends :	07/12/2011
Defendant's Pretrial Disclosures :	07/27/2011
Defendant's 30-day Trial Period Ends :	09/10/2011
Plaintiff's Rebuttal Disclosures :	09/25/2011
Plaintiff's 15-day Rebuttal Period Ends :	10/25/2011

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*

Sepracor Inc. has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Sepracor 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 Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
/s/ Jennifer L. Barry  
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07/13/2010