

ESTTA Tracking number: **ESTTA429580**

Filing date: **09/09/2011**

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

Proceeding.	91199181
Applicant	Plaintiff Brooks Automation, Inc
Other Party	Defendant Promega Corporation

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 09/16/2011. Brooks Automation, Inc requests that such date be extended for 30 days, or until 10/16/2011, and that all subsequent dates be reset accordingly.

Time to Answer :	10/16/2011
Deadline for Discovery Conference :	11/15/2011
Discovery Opens :	11/15/2011
Initial Disclosures Due :	12/15/2011
Expert Disclosure Due :	04/13/2012
Discovery Closes :	05/13/2012
Plaintiff's Pretrial Disclosures :	06/27/2012
Plaintiff's 30-day Trial Period Ends :	08/11/2012
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	08/26/2012
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	10/25/2012
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	
Counterclaim Plaintiff's Rebuttal Disclosures Due :	12/24/2012
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	01/23/2013
Plaintiff's Trial Brief Due :	03/24/2013
Defendant 's Trial Brief and Plaintiff in the Counterclaim Due :	04/23/2013
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	05/23/2013
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	06/07/2013

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The next deadline in the proceeding is September 16, 2011, which is the date on which Plaintiff's Answer to Counterclaim is due, and that is the first date, which is identified above as "Time to Answer", that is to be extended by 30 days.*

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

Brooks Automation, 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,

/John L. DuPre/

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