

ESTTA Tracking number: **ESTTA456076**

Filing date: **02/13/2012**

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 02/13/2012. Brooks Automation, Inc requests that such date be extended for 30 days, or until 03/14/2012, and that all subsequent dates be reset accordingly.

Time to Answer :	03/14/2012
Deadline for Discovery Conference :	04/13/2012
Discovery Opens :	04/13/2012
Initial Disclosures Due :	05/13/2012
Expert Disclosure Due :	09/10/2012
Discovery Closes :	10/10/2012
Plaintiff's Pretrial Disclosures :	11/24/2012
Plaintiff's 30-day Trial Period Ends :	01/08/2013
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	01/23/2013
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	03/09/2013
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	03/24/2013
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	05/08/2013
Counterclaim Plaintiff's Rebuttal Disclosures Due :	05/23/2013
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	06/22/2013
Plaintiff's Trial Brief Due :	08/21/2013
Defendant 's Trial Brief and Plaintiff in the Counterclaim Due :	09/20/2013
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	10/20/2013
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	11/04/2013

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *The next deadline in the proceeding is February 13, 2012, which is the date on which Plaintiff's Answer to Counterclaim is due, and that is the first date that is to be extended.*

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/

John L. DuPre'

trademarks@hbsr.com, john.dupre@hbsr.com, maria.cedroni@hbsr.com

jdpeterson@michaelbest.com, madipdocket@michaelbest.com

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