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

Proceeding	91216755
Party	Plaintiff Thomas Magnete GmbH
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Submission	Stipulated/Consent Motion to Extend
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Date	09/13/2017
Attachments	WAN05300 Joint Motion for Extension of Time.pdf(11648 bytes)

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

Thomas Magnete GmbH,	§	Opposition No. 91216755
	§	
Opposer,	§	
	§	Serial No.: 86/014,656
v.	§	Mark: THOMAS
	§	
Gardner Denver Thomas, Inc.,	§	Serial No.: 86/014,661
	§	Mark: THOMAS & design
Applicant.	§	

JOINT MOTION FOR EXTENSION OF DISCOVERY AND TRIAL PERIODS

Thomas Magnete GmbH (“Opposer”) and **Gardner Denver Thomas, Inc.** (“Applicant”) request that this proceeding be suspended for 90 days to allow the parties to finalize their settlement discussions/negotiations. The following facts support this Joint Motion for Extension:

1. Opposer and Applicant (collectively “the parties”) own conflicting trademarks or trademark applications in the U.S., Europe and Australia. Procedures are pending in the U.S., Europe and Australia between the parties on the conflicting trademarks or trademark applications.

2. The parties began negotiating a global Trademark Coexistence Agreement for settlement of their dispute in the markets of the U.S., Europe, and Australia in October 2014. The terms of the global Trademark Coexistence Agreement require the approval of Applicant, its wholly owned subsidiaries Gardner Denver Thomas, Inc. and Thomas Industries Inc., along with Opposer and its affiliates. Applicant is represented in the global settlement transaction by its German attorneys and U.S. attorneys. Opposer is represented in the global settlement transaction by its attorneys in Germany.

3. Some of the delay in finalizing the Agreement is attributable to the need for approval of affiliates of the parties in multiple jurisdictions. Further, during the course of the

negotiations, Applicant has completed one or more corporate restructurings which has resulted in settlement delays. Further, fluctuation in employees assigned to the business units responsible for the settlement have resulted in settlement delays.

4. The following provides a brief chronology of the status of the negotiations:

(a) settlement discussions on key terms of the global agreement (February 2015 until May 2016);

(b) first draft agreement prepared and forwarded to Applicant by Opposer (June 2016);

(c) revisions received from Applicant based on input of affiliates (September 2016);

(d) revisions by Opposer to agreement based on Applicant's revisions (October 2016);

(e) revised global agreement sent to Applicant (November 2016);

(f) agreement reached on most of the provisions in draft agreement (June 2017).

5. The parties have discussed the use of the term THOMAS with additional distinctive matter in certain industries where the parties' respective goods overlap. At this point, the only material outstanding issue to be resolved by the parties in settlement talks is determining in which industries the parties may use the mark THOMAS alone without additional distinctive matter. The parties believe they will be able to resolve the outstanding issues in the next three months.

6. Based on the above, the parties request the Scheduling Order be modified as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	CLOSED
Expert Disclosure Due:	05/06/2018
Discovery Closes:	06/08//2018
Plaintiff's Pretrial Disclosures:	07/20/2018
Plaintiff's 30-Day Trial Period Ends:	09/04/2018
Defendant's Pretrial Disclosures:	09/19/2018
Defendant's 30-day Trial Period Ends:	11/02/2018

Plaintiff's Rebuttal Disclosures: 11/17/2018
Plaintiff's 15-day Rebuttal Period Ends: 1/17/2019.

Respectfully submitted this 13th day of September 2017 by:

/John Wilson Jones/
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