

ESTTA Tracking number: **ESTTA941369**

Filing date: **12/14/2018**

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

Proceeding	91216755
Party	Defendant Gardner Denver Thomas, Inc.
Correspondence Address	LUKE W DEMARTE MICHAEL BEST & FRIEDRICH LLP 444 W LAKE STREET, SUITE 3200 CHICAGO, IL 60606 UNITED STATES lwdemarte@michaelbest.com, mekouba@michaelbest.com, CHIIPDocket@michaelbest.com 312-222-0800
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Michelle E. Kouba
Filer's email	lwdemarte@michaelbest.com, mekouba@michaelbest.com, CHIIPDocket@michaelbest.com
Signature	/Michelle E. Kouba/
Date	12/14/2018
Attachments	24816370_12_14_2018_Joint_Motion_for_60_Day_Extension.PDF(85644 bytes)

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 - 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);
 - (g) further drafts of the global agreement exchanged (September 2017 – December 2017);
 - (h) the Board granted the request by Opposer's previous U.S. counsel to withdraw from representation of Opposer in the U.S. opposition proceeding (June 15, 2018);
 - (i) Opposer appointed new U.S. counsel (July 13, 2018);
 - (j) Applicant proposed additional global settlement terms to Opposer and Opposer rejected those terms (July 2018 – August 2018);
 - (k) Applicant's U.S. counsel and Opposer's new U.S. counsel discussed the global proceedings between the parties, including the schedule in the U.S. opposition proceeding and the proposed terms of the parties' settlement agreement.

Applicant informed Opposer of its general agreement to the terms of the most recent draft of the parties' settlement agreement, including the industries in which Applicant will be required to use THOMAS with additional distinctive matter, a key term that had previously been at issue between the parties (September 12, 2018);

- (l) Applicant's U.S. counsel sent to Opposer's new U.S. counsel the most recent draft of the parties' settlement agreement (September 21, 2018);
- (m) Applicant's U.S. counsel sent Opposer's new U.S. counsel a revised draft of the settlement agreement with a few proposed modifications (October 15, 2018);
- (n) Opposer's new U.S. counsel sent Applicant's U.S. counsel Opposer's comments on the revised draft of the settlement agreement (November 8, 2018);
- (o) Representatives from Applicant's and Opposer's business teams directly discussed the proposed settlement terms on November 30, 2018 and are currently working toward finalizing the settlement terms. The parties expect to circulate an updated draft of the settlement agreement by December 31, 2018 (November - December 2018).

5. The parties have made progress toward reaching a final settlement agreement, but need additional time to finalize the terms of the agreement and have the agreement executed by both parties. The parties believe they will be able to resolve the outstanding issues in the next two months.

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

Expert Disclosures Due	02/13/2019
Discovery Closes	03/15/2019
Plaintiff's Pretrial Disclosures Due	04/29/2019
Plaintiff's 30-day Trial Period Ends	06/13/2019
Defendant's Pretrial Disclosures Due	06/28/2019
Defendant's 30-day Trial Period Ends	08/12/2019
Plaintiff's Rebuttal Disclosures Due	08/27/2019
Plaintiff's 15-day Rebuttal Period Ends	09/26/2019
Plaintiff's Opening Brief Due	11/25/2019
Defendant's Brief Due	12/25/2019
Plaintiff's Reply Brief Due	01/09/2020
Request for Oral Hearing (optional) Due	01/19/2020

Respectfully submitted this 14th day of December 2018 by:

/Michele S. Katz/

Michele S. Katz

Advitam IP LLC
160 N. Wacker Drive
Second Floor
Chicago, IL 60606
Telephone: (312) 332-7710

Attorney for Opposer
Thomas Magnete GmbH

/Luke W. DeMarte/

Luke W. DeMarte

Michael Best & Friedrich LLP
444 W. Lake Street
Suite 3200
Chicago, IL 60606
Telephone: (312) 222-0800

Attorney for Applicant
Gardner Denver Thomas, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on December 14, 2018 the foregoing JOINT MOTION FOR EXTENSION OF DISCOVERY AND TRIAL PERIODS, was served upon Opposer's attorney by sending a true and correct copy of said document via electronic mail addressed to:

Michele S. Katz
Advitam IP LLC
160 N. Wacker Drive
Second Floor
Chicago, IL 60606
mskdocket@advitamip.com
atokarz@advitamip.com

/s/ Luke W. DeMarte

Luke W. DeMarte