ESTTA Tracking number: **ESTTA777462**

Filing date: **10/18/2016**

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

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| Proceeding. | 91230009 |
| Applicant | Defendant<br>DePuy Synthes, Inc. |
| Other Party | Plaintiff<br>MicroAire Surgical Instruments, LLC |
| Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)? | No |

# 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 10/22/2016. DePuy Synthes, Inc. requests that such date be extended for 30 days, or until 11/21/2016, and that all subsequent dates be reset accordingly.

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| Time to Answer : | 11/21/2016 |
| Deadline for Discovery Conference : | 12/21/2016 |
| Discovery Opens : | 12/21/2016 |
| Initial Disclosures Due : | 01/20/2017 |
| Expert Disclosure Due : | 05/20/2017 |
| Discovery Closes : | 06/19/2017 |
| Plaintiff's Pretrial Disclosures : | 08/03/2017 |
| Plaintiff's 30-day Trial Period Ends : | 09/17/2017 |
| Defendant's Pretrial Disclosures : | 10/02/2017 |
| Defendant's 30-day Trial Period Ends : | 11/16/2017 |
| Plaintiff's Rebuttal Disclosures : | 12/01/2017 |
| Plaintiff's 15-day Rebuttal Period Ends : | 12/31/2017 |

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *Counsel for applicant needs time to investigate the matter and prepare a response to the Notice of Opposition.*

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

DePuy Synthes, 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,
/JDL/
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10/18/2016