

ESTTA Tracking number: **ESTTA1242099**

Filing date: **10/17/2022**

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

| | |
|------------------------|--|
| Proceeding no. | 91251142 |
| Party | Plaintiff Senseonics, Incorporated |
| Correspondence address | R J HEHER FENWICK & WEST LLP 801 CALIFORNIA STREET SILICON VALLEY CENTER MOUNTAIN VIEW, CA 94041-1990 UNITED STATES Primary email: trademarks@fenwick.com 650-988-8500 |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's name | Irene Aguirre |
| Filer's email | iaguirre@fenwick.com, eball@fenwick.com |
| Signature | /IA/ |
| Date | 10/17/2022 |
| Attachments | ZENSE - Stipulated Suspension Motion.pdf(84925 bytes) |

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

In the matter of
Trademark Application No. 88/079,632
Filed: August 15, 2018
Published: May 28, 2019
Marks: ZENSE

| | | |
|--------------------------|---|--------------------------|
| Senseonics Incorporated, |) | |
| |) | |
| Opposer, |) | Opposition No.: 91251142 |
| |) | |
| vs. |) | |
| |) | |
| Zense-Life Inc., |) | |
| |) | |
| Applicant. |) | |
| |) | |

**STIPULATED MOTION TO SUSPEND DISCLOSURE, DISCOVERY,
AND TRIAL DATES**

Opposer Senseonics Incorporated moves the Trademark Trial and Appeal Board for an order suspending all deadlines by 60 days in the above captioned matter to allow the parties to continue their efforts in finalizing their settlement agreement. Senseonics has secured the express consent of Applicant for the suspension and resetting of dates requested.

The proposed dates are as follows:

| | Current Deadline | Proposed Deadline |
|--------------------------------------|-------------------------|--------------------------|
| Expert Disclosures | 11/22/2022 | 01/21/2023 |
| Discovery Closes | 12/22/2022 | 02/20/2023 |
| Plaintiff's Pretrial Disclosures Due | 02/07/2023 | 04/08/2023 |
| Plaintiff's 30-day Trial Period Ends | 03/23/2023 | 05/22/2023 |
| Defendant's Pretrial Disclosures Due | 04/08/2023 | 06/07/2023 |

| | Current Deadline | Proposed Deadline |
|---|-------------------------|--------------------------|
| Defendant's 30-day Trial Period Ends | 05/23/2023 | 07/22/2023 |
| Plaintiff's Rebuttal Disclosures Due | 06/07/2023 | 08/06/2023 |
| Plaintiff's 15-day Rebuttal Period Ends | 07/07/2023 | 09/05/2023 |
| Plaintiff's Opening Brief Due | 09/05/2023 | 11/04/2023 |
| Defendant's Brief Due | 10/05/2023 | 12/04/2023 |
| Plaintiff's Reply Brief Due | 10/20/2023 | 12/19/2023 |

Good cause exists for the requested suspension because the parties have reached an agreement in principal and are now working to finalize the written settlement agreement. The parties have had multiple discussions directly to resolve this dispute, and Senseonics has started drafting a written settlement agreement. Thus, the requested two-month suspension is necessary to allow the parties sufficient time to negotiate the final details of their resolution and to finalize a written agreement. The suspension also would obviate the need for the parties to expend resources on discovery or to take up their employees' and third parties' valuable time for depositions.

The delay in the negotiations has been, in part, due to the parties' principals traveling internationally. The parties continue to work cooperatively to narrow the issues to be resolved. The parties are progressing to finalize the settlement agreement, hopefully in 60 days or less.

Based on the above, Senseonics believes this request for a suspension constitutes good cause. Senseonics thus respectfully requests entry of an order granting this motion and suspending all deadlines by 60 days.

Dated: October 17, 2022

Respectfully submitted,

/Irene Aguirre/

Irene Aguirre

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Attorneys for Opposer, Senseonics Incorporated

Dated: October 17, 2022

/William Kolegraff/

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Attorney for Applicant, Zense-Life Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STIPULATED MOTION TO SUSPEND DISCLOSURE, DISCOVERY, AND TRIAL DATES** was served this 17th day of October 2022 by email, on counsel for the Applicant herein at: bkolegraff@gmail.com as required by the Trademark Trial and Appeal Board.

/Irene Aguirre/
Irene Aguirre
