

ESTTA Tracking number: **ESTTA624681**

Filing date: **09/02/2014**

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

Proceeding.	92053379
Applicant	Plaintiff 3M Company
Other Party	Defendant CareFusion 2200 Corporation
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Discovery is currently set to close on 09/30/2014. 3M Company requests that such date be extended for 60 days, or until 11/29/2014, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	10/30/2014
Discovery Closes :	11/29/2014
Plaintiff's Pretrial Disclosures :	01/13/2015
Plaintiff's 30-day Trial Period Ends :	02/27/2015
Defendant's Pretrial Disclosures :	03/14/2015
Defendant's 30-day Trial Period Ends :	04/28/2015
Plaintiff's Rebuttal Disclosures :	05/13/2015
Plaintiff's 15-day Rebuttal Period Ends :	06/12/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *The parties exchanged settlement agreements on December 2, 2013. Petitioner believed the only issue to be resolved related to the deletion of one good listed in Defendant's trademark registration. However, on May 22, 2014, Registrant provided a revised settlement agreement that included numerous proposed changes, including contingencies in the event the TTAB refused to allow Registrant to amend its trademark registration as contemplated by the settlement agreement, a with prejudice dismissal of the cancellation action instead of without prejudice, clarifications on use limitations, a geographic territory, a term, and termination clauses. Petitioner considered these changes but could not accept all of them. Accordingly, the parties appear to have reached an impasse on settlement and now need to move forward with their respective cases. That will involve updating written discovery and taking oral discovery. In addition, Registrant just retained new counsel to handle this matter, who needs some additional time to get up to speed on the matter. The present extension will allow the parties to work on their discovery and respective cases.*

3M Company has secured the express consent of all other parties to this proceeding for the extension and re-setting of dates requested herein.

3M Company 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,

/SWJ/

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