

ESTTA Tracking number: **ESTTA511885**

Filing date: **12/19/2012**

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

Proceeding	92056372
Party	Defendant DSM IP Assets B.V.
Correspondence Address	DUANE M BYERS NIXON AND VANDERHYE PC 901 NORTH GLEBE ROAD, SUITE 1100 ARLINGTON, VA 22203 UNITED STATES
Submission	Stipulated/Consent Motion to Extend
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Date	12/19/2012
Attachments	4662-2418 consented to motion to extend filed 12-19-12.pdf (2 pages)(67687 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Proceeding	92056372
Respondent	DSM IP Assets B.V.
Petitioner	Delta Education LLC

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

Respondent moves for a sixty (60) day extension of all dates in this proceeding because:

- (1) Respondent never received the TTAB's Scheduling Order that was allegedly mailed on October 26, 2012, and
- (2) the parties are engaged in settlement discussions.

Respondent requests that all of the dates in this proceeding be extended by sixty (60) days, as reflected in the schedule below. Petitioner has consented to this Motion to Extend.

In addition, please note that Respondent consents to Petitioner's Motion dated November 8, 2012, for recoupment of \$8700 that the TTAB charged to Petitioner's deposit account. This proceeding only involves Class 16, and Petitioner has already paid the \$300 fee to cover that class.

Proposed new dates:

Time to Answer : 02/03/2013
Deadline for Discovery Conference : 03/05/2013
Discovery Opens : 03/05/2013
Initial Disclosures Due : 04/04/2013
Expert Disclosure Due : 08/02/2013
Discovery Closes : 09/01/2013
Plaintiff's Pretrial Disclosures : 10/16/2013
Plaintiff's 30-day Trial Period Ends : 11/30/2013
Defendant's Pretrial Disclosures : 12/15/2013
Defendant's 30-day Trial Period Ends : 01/29/2014
Plaintiff's Rebuttal Disclosures : 02/13/2014
Plaintiff's 15-day Rebuttal Period Ends : 03/15/2014

DSM IP Assets B.V. has provided an e-mail address for itself (nixonptomail@nixonvan.com, dmb@nixonvan.com) and for the opposing party (docketing@gklaw.com, rwizorek@gklaw.com) 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 email (by agreement) on this date.

/dmb/

Duane M. Byers

Attorney of record for Respondent, Virginia bar member

December 19, 2012