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

Proceeding	92075974
Party	Defendant Medela Holding AG
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Submission	Motion to Extend
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Date	03/31/2021
Attachments	2021-3-31 Registrants Request for an Extension of Time 92075974.pdf(213181 bytes)

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

AH LICENSE APS,)	
)	
Petitioner,)	
)	Cancellation No. 92075974
v.)	
)	Registration No. 4915973
MEDELA HOLDING AG,)	
)	
Registrant.)	

REGISTRANT’S REQUEST FOR AN EXTENSION OF TIME

Pursuant to Fed. R. Civ. P. 6(b), 37 C.F.R. § 2.120(a)(3) and TBMP Rule 403.04(a), Registrant, MEDELA HOLDING AG, through its undersigned attorneys, hereby requests a sixty (60) day extension of time to respond to the discovery requests (document requests, interrogatories and requests for admissions) served by Petitioner on March 4, 2021 with responses being due Saturday, April 3, 2021.

Registrant is a Swiss company with headquarters in Baar, Switzerland. Most of Registrant’s offices and employees are located in Switzerland. In response to a recent surge in Covid-19 cases in Switzerland and Europe, the Swiss authorities have required (not just recommended) that employees of Swiss companies are to work from home. A copy of the announcement made in January by the Swiss Authorities is attached as Exhibit A. As a result, Registrant is unable to access key files and documents located in its offices which it needs to consult in order to properly respond to Petitioner’s numerous discovery requests. These work-at-

home restrictions also make it difficult for Registrant's in-house legal counsel to consult with key employees while reviewing such documents.

Registrant's employees are not very familiar with the discovery process involved in US *inter partes* actions before the US PTO. Thus, additional time is also needed for Registrant's employees to understand the process and requirements for responding to discovery in these cancellation proceedings.

Lastly, the undersigned will be unavailable for the next ten (10) days while undergoing treatment for a recently-diagnosed serious health condition. Thus, the undersigned will not be in a position to properly assist Registrant in the review of documents and the further preparation of responses to the outstanding discovery requests during this time period, nor will the undersigned have time to enlist another attorney in his firm to assist in this matter.

The discovery requests were served by Petitioner barely a week after the opening of the discovery period in these cancellation proceedings. Thus, Petitioner will not be prejudiced by a short delay in Registrant providing its responses to the outstanding discovery. Indeed, Petitioner will have nearly three more months left in the discovery period to conduct follow-up discovery in these proceedings. Furthermore, Registrant has no objections if Petitioner wishes to treat the instant motion as a motion to extend all of the proceeding deadlines for sixty (60) days.

This is the first extension requested by Registrant in these cancellation proceedings. Petitioner will not be prejudiced by this extension given that the proceeding dates will remain unchanged (unless Petitioner wishes to extend them).

Dated this 31st day of March, 2021.

Respectfully submitted,

MEDELA HOLDING AG

By: /jmenker/
James R. Menker

Registrant's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing REGISTRANT'S REQUEST FOR AN EXTENSION OF TIME has been served on Katherine A. Markert of BARCLAY DAMON LLP by forwarding said copy on March 31, 2021, via email to: ip@barclaydamon.com, kmarkert@barclaydamon.com, ecominolli@barclaydamon.com.

By: /jmenker/
James R. Menker

EXHIBIT A



Coronavirus: Federal Council extends and tightens measures

Bern, 13.01.2021 - Case numbers are stagnating at a very high level and there is a risk that the new more infectious variants of the virus will lead to another rapid rise in cases. In view of the worrying epidemiological situation, the Federal Council decided at its meeting on 13 January to introduce further measures to contain the spread of the coronavirus. It is extending the measures introduced in December by a further five weeks: restaurants, cultural venues, and sports and leisure facilities are to remain closed until the end of February. It is also introducing new measures to drastically reduce contact between people. From Monday, 18 January, there will be a requirement to work from home, shops selling non-essential goods will be closed, stricter rules will apply to private events and gatherings, and measures to protect those at especially high risk will be strengthened in the workplace.

On 11 and 18 December 2020, the Federal Council tightened national measures to contain the spread of the coronavirus. As of 22 December, restaurants, leisure and sports facilities, and cultural venues were required to close. Despite these additional restrictions, there has been no significant fall in case numbers. The epidemiological situation remains extremely concerning: the number of infections, hospital admissions and deaths remains extremely high and the strain on medical staff is acute.

New, highly transmissible virus variants: fresh increase likely

Furthermore, Switzerland is faced with two new, highly transmissible variants of the virus. These increase the risk of a further rise in the number of cases, which is likely to be difficult to control. In recent weeks, case numbers have soared in several countries in which the new variant is already circulating. There is nothing to indicate that the situation will develop any differently in Switzerland. Initial indications are that the new variants are between 50 and 70 per cent more transmissible.

The Federal Council is extremely concerned by these developments, even though there are no indications so far that the new variants are more dangerous or cause a more severe course of the disease. It is doing everything in its power to greatly reduce contact between people in order to slow down the spread of the new virus variants. That is why it has decided to take additional measures.

Five-week extension of closures

The Federal Council is therefore extending the measures introduced in December by a further five weeks. Restaurants, cultural venues, sports and leisure facilities will remain closed until the end of February.

Closure of shops selling non-essential goods

In addition, the Federal Council is introducing stricter national measures with effect from Monday 18 January. All shops and markets other than those selling essential everyday goods are to close. It will still be possible to collect ordered goods. Shops, service station shops and kiosks will no longer have to close at 7pm or remain closed on Sundays.

Requirement to work from home

Employers will be required to enable all staff to work from home where it is feasible and practicable for them to do so based on the type of activity. Employers will not be required to assume expenses incurred by employees for electricity or rent etc. as this is a temporary measure.

Further measures at the workplace

Where working from home is not possible or only partially so, further measures will be introduced for the workplace. Masks must be worn indoors to protect employees where there is more than one person in a room. Maintaining a large distance between workspaces in the same room is no longer sufficient.

Furthermore, at the request of the Conference of Cantonal Directors of Public Health and in light of practical experiences to date, the rules regarding dispensation from the requirement to wear a mask are to be clarified. A medical certificate issued by a doctor or psychotherapist is required to affirm dispensation on medical grounds; a medical certificate may only be issued if indicated for the person concerned.

Protecting people at especially high risk

People at especially high risk will benefit from specific protection. The right to work from home, benefit from equivalent protection at the workplace or take leave of absence will be introduced. Employers of people at especially high risk in occupations in which protective measures cannot be implemented must grant those employees a leave of absence on full pay. In such cases, they may claim coronavirus-related compensation for loss of earnings.


Private events and gatherings restricted

No more than five people may attend private gatherings. Children are also included in that number. Gatherings of people in public are also limited to five people.

Address for enquiries

Federal Office of Public Health, Communication
Coronavirus Infoline +41 58 463 00 00
COVID-19 vaccination Infoline +41 58 377 88 92


Documents

 [Graphic](#) (PDF, 291 kB)

 [Ordonnance - Prolongation des mesures en vigueur \(French\)](#) (PDF, 420 kB)

 [Ordonnance - Employés vulnérables \(French\)](#) (PDF, 490 kB)

 [Ordonnance - Renforcement supplémentaire des mesures \(French\)](#) (PDF, 390 kB)

 [FAQ \(French\)](#) (PDF, 180 kB)

Publisher

The Federal Council
<https://www.admin.ch/gov/en/start.html>

General Secretariat FDHA
<http://www.edi.admin.ch>

Federal Office of Public Health
<http://www.bag.admin.ch>