

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

TRIANAFYLLOS TAFAS,

Plaintiff,

v.

JON W. DUDAS, in his official capacity as Under-Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and the UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendants.

CIVIL ACTION: 1:07cv846 (JCC/TRJ)
and Consolidated Case

**UNOPPOSED MOTION AND MEMORANDUM IN SUPPORT OF
UNOPPOSED MOTION FOR AMENDMENT OF SUMMARY JUDGMENT
BRIEFING SCHEDULE AND REQUEST FOR EXPEDITED CONSIDERATION**

Plaintiff Triantafyllos Tafas (“Tafas”), by the undersigned counsel, hereby requests that the Court modify paragraph 1 of Magistrate Thomas Rawles Jones, Jr.’s Amended Scheduling Order dated December 5, 2007 so as to increase the page limitation for Tafas on the initial summary judgment brief from a maximum of 40 pages to a maximum of 50 pages. Defendants Jon W. Dudas and the United States Patent and Trademark Office (“Defendants”) and plaintiff GSK do not oppose the relief sought herein.

Tafas seeks this modest increase in the page limitation because Tafas has substantially more claims that need to be briefed than the other plaintiff (*i.e.*, GSK) including, without limitation, approximately twice as many statutory claims (*i.e.*, 16), three (3) constitutional claims, as well as a Regulatory Flexibility Act claim. In addition to arguments on all of these claims, Local Rule 56(B) requires Tafas to include within the summary judgment brief a statement of all undisputed facts -- further cutting into the room afforded for legal argumentation and, if not modified, seriously impairing Tafas’ ability to successfully prosecute all of his claims to final judgment.

Tafas requests expedited treatment of this Motion given that the summary judgment filing deadline is Thursday, December 20, 2007.

NOW THEREFORE, for all the foregoing reasons, Tafas respectfully requests that the Court modify Paragraph 1 of the Amended Order dated December 5, 2007 (per Hon. Thomas Rawles Jones, Jr.) so as to permit Tafas to file an initial summary judgment brief not to exceed 50 pages.

Dated: December 18, 2007

Respectfully Submitted,

/s/ Joanna Baden-Mayer

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