

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, *et al.*,

Defendants.

CIVIL ACTION: 1:07-CV-00846-JCC-TRJ

**THE PARTIES AMENDED JOINT STIPULATION
AND CONSENT ORDER REGARDING BRIEFING SCHEDULE**

WHEREAS, counsel for Plaintiff Triantafyllos Tafas ("Plaintiff") and counsel for Defendant Jon W. Dudas ("Defendant") and Defendant United States Patent and Trademark Office ("Defendants;" Plaintiff and Defendants are collectively referenced as the "Parties") have conferred and agreed upon an amended briefing schedule, to be entered as an amendment to and/or in substitution for the previously submitted Joint Stipulation that was entered by the Court by Order dated September 21, 2007, concerning motions to dismiss and motions for summary judgment the Parties anticipate being filed in this action in order to expeditiously progress the above-captioned action to a final hearing on the merits and to obviate the need for Plaintiff to prosecute a preliminary injunction motion;

NOW THEREFORE, the Parties stipulate as follows, and respectfully request that the Court enter the following stipulation as an Order in the above-captioned action:

1. Plaintiff will file his opposition to Defendants' motion to dismiss dated October 4, 2007 on or before Thursday, October 25, 2007.
2. Defendants will file their reply to any opposition by Plaintiff to Defendants' motion to dismiss on or before Tuesday, November 6, 2007.

3. Defendants will notice Friday, November 9, 2007 as the date on which their motion to dismiss will be heard, or, if the Court is not available to hear the motion on that date, for the next date thereafter on which the Court is so available that is mutually agreeable to counsel for both Plaintiff and Defendants.

4. Defendants provided Plaintiff with the administrative record for the rule making of the United States Patent and Trademark Office on October 5, 2007. Subject to a possible extension in the event that there should be litigation over the adequacy or completeness of the record, Plaintiff will file any motion for summary judgment on or before Wednesday, November 7, 2007.

5. Defendants will submit any cross-motion for summary judgment, as well as any opposition to the summary judgment motion Plaintiff might file, on or before Tuesday, December 4, 2007.

6. Plaintiff will file his reply in support of its motion for summary judgment, as well as its opposition to any cross-motion for summary judgment that Defendants might file, on or before Wednesday, December 12, 2007.

7. Defendants will file their reply in support of their cross-motion for summary judgment on or before Wednesday, December 19, 2007.

8. The Parties will notice the hearing on any summary judgment filed by Plaintiff and any cross-motion for summary judgment filed by Defendants for Friday, December 21, 2007, or, if the Court is not available to hear the motions on that date, for the next date thereafter on which the Court is so available that is mutually agreeable to both counsel for Plaintiff and Defendants.

9. In the event the Final Rules published by Defendants at 72 Fed. Reg. 46716 (Aug. 21, 2007) are preliminarily enjoined by this or any other Court, the parties have agreed to consult and to negotiate modifications to the deadlines in the summary judgment briefing schedule described herein in light of any preliminary injunction order that might be issued. If the parties are unable to reach agreement, this Joint Stipulation and Consent Order is without prejudice to either party requesting the Court to modify the summary judgment briefing schedule.

