

ESTTA Tracking number: **ESTTA318286**

Filing date: **11/23/2009**

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

Proceeding	91191906
Party	Defendant Drayton, Shawn T.
Correspondence Address	SHAWN T. DRAYTON 2 GRACE COURT 2-O BROOKLYN, NY 11201 mswyers@TheTrademarkCompany.com
Submission	Motion to Extend
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	11/23/2009
Attachments	Motion for Extension of Time to File Answer.pdf (4 pages)(16542 bytes)

4. Opposer's counsel graciously provided the requested consent and Applicant, by counsel, filed for and received a 30-day extension in which to file its answer or until November 23, 2009.

5. During this additional time Applicant considered its options, defenses, and otherwise and contacted opposing counsel to determine what, if any, avenue for resolution of the instant matter could be considered.

6. Resolution has yet to be reached although discussions are ongoing and Applicant now requests one additional 30-day extension to determine whether it will defend the instant matter or resolve the case with the Opposer.

Motion

The time for filing an answer may be extended on motion granted by the Board for good cause shown. *See* TBMP §§ 310.03(c), 509.01(a). A motion to extend must set forth with particularity the facts said to constitute good cause for the requested extension. *See* TBMP § 509.01(a).

In the instant case, Applicant seeks additional time to further settlement discussions and/or to file its Answer if said negotiations cease.

This request is not being sought to delay the proceedings herein.

Opposer's consent was sought for the instant motion but could not be obtained prior to the requisite filing time for this motion.

Conclusion

WHEREFORE for good cause shown Applicant Shawn T. Drayton, by counsel, prays that it be granted an extension of time to file its answer in this matter until **December 23, 2009**.

Respectfully submitted this 23rd day of November, 2009.

The Trademark Company, PLLC

/Matthew H. Swyers/

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