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Filing date: **07/13/2012**

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

Proceeding	92055682
Party	Defendant The Concentrate Manufacturing Company of Ireland
Correspondence Address	THE CONCENTRATE MANUFACTURING COMPANY OF IRELAND CORNER HOUSE 20 PARLIAMENT STREET HAMILTON, BERMUDA
Submission	Motion to Extend
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Signature	/Jennifer A. Lazo/
Date	07/13/2012
Attachments	MOTION.PDF (4 pages)(89076 bytes)

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

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INDIGO STUDIOS, INC., :
 :
 Petitioner, : Cancellation No. 92055682
 :
 v. :
 :
 THE CONCENTRATE MFG. CO. :
 OF IRELAND, :
 :
 Registrant. :
-----X

**MOTION TO EXTEND TIME FOR FILING ANSWER OR RESPONDING
TO THE PETITION FOR CANCELLATION**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Sections 310.03(c) and 509 of the *Trademark Trial and Appeal Board Manual of Procedure* (“TBMP”), and subject to and without waiving any of its defenses, including, but not limited to, lack of standing, and/or failure to state a claim upon which relief may be granted, The Concentrate Manufacturing Company of Ireland (“Concentrate”), by and through its undersigned attorneys, hereby moves the Honorable Trademark Trial and Appeal Board (“Board”) for a thirty (30) day extension of time, i.e., up through and including August 13, 2012, within which to answer or otherwise respond to the Petition for Cancellation filed by Petitioner Indigo Studios, Inc. (“Indigo”).

Fed. R. Civ. P. Rule 6(b) states, in part: “(1) When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.”

Here, the Petition in the above cancellation action was filed on May 30, 2012. By the Board’s June 4, 2012 order, an answer or response to the Petition is not due until July 14, 2012. As such, Concentrate has timely filed this motion before the original term to

respond to the Petition for Cancellation has expired, and good cause for the requested extension exists.

Specifically, an assignment of United States Trademark Registration No. 3,643,274 from assignor Caribbean Flavors, Ltd. to Concentrate was recorded on December 7, 2010. However, the December 7, 2010 assignment was filed in error and is void. A corrective assignment has been filed and was recorded with the Assignment Recordation Branch on July 3, 2012 at Reel/Frame No. 4814/0476. This corrective assignment states that the marks were never assigned to Concentrate and should have been in the name of Caribbean Flavors, Ltd. On information and belief, Caribbean Flavors, Ltd. assigned the registration to Central American Bottling Corporation (“CabCorp”) prior to December 7, 2010. As a result, Concentrate is not the owner of the mark subject to the above Petition for Cancellation and should not be a party to this proceeding.

Concentrate has informed Indigo and CabCorp of this and has requested a thirty (30) day extension from Indigo to answer or otherwise respond to the Petition. However, Indigo’s lawyer was not available to provide his consent. On information and belief, CabCorp’s lawyer did receive Indigo’s consent for an extension of fifteen (15) days to answer or otherwise respond to the Petition.

Still, in order to preserve the resources of the Board, its own rights, as well as avoid the undue burden and expense of defending against the Petition, and to further evaluate this matter to effect an early resolution of this issue, Concentrate requests a thirty (30) day extension of time to file and serve its Answer or otherwise respond to the Petition for Cancellation. In view of the foregoing, Concentrate submits that its motion is made in good faith, would not cause undue delay, and would not unduly prejudice the Petitioner.

Wherefore, The Concentrate Manufacturing Company of Ireland, by its undersigned attorneys, respectfully requests that this extension be granted for the good

cause shown herein and that the time for filing its Answer or otherwise responding to the
Petition for Cancellation be extended to **August 13, 2012**.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: July 13, 2012

By:

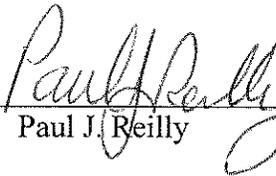

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CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below the foregoing, **MOTION TO EXTEND TIME FOR FILING ANSWER OR RESPONDING TO THE PETITION FOR CANCELLATION**, was served on the attorneys of record for Petitioner on the date indicated below, via FedEx, postage prepaid, in an envelope addressed to:

ALAN S. CLARKE
LAW OFFICES OF ALAN S. CLARKE LLC
3355 LENOX ROAD, SUITE 750
ATLANTA, GA 30326
UNITED STATES

Dated: July 13, 2012


Paul J. Reilly