

ESTTA Tracking number: **ESTTA56996**

Filing date: **12/09/2005**

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

Proceeding.	91167278
Applicant	Defendant McCORMICK DISTILLING CO., INC. McCORMICK DISTILLING CO., INC. One McCormick Lane Weston, MO 64098
Other Party	Plaintiff Dr. Oetker Ltd. Dr. Oetker Ltd. 2229 Drew Road Mississauga, L5S 1E5 CANADA

Motion for an Extension of Time to Answer With Consent

McCORMICK DISTILLING CO., INC.'s answer is currently due on 12/12/2005, and the close of discovery is currently set for 05/22/2006. McCORMICK DISTILLING CO., INC. requests that its time to answer be extended by 60 days from the current due date, or until 02/10/2006. The grounds for applicant's request are as follows:

- *The parties are engaged in settlement discussions, and settlement documents have been prepared.*

McCORMICK DISTILLING CO., INC. has secured the express consent of all other parties to this proceeding for the extension requested herein.

McCORMICK DISTILLING CO., INC. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/rdh/

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12/09/2005