

ESTTA Tracking number: **ESTTA62216**

Filing date: **01/17/2006**

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

Proceeding.	91167903
Applicant	Defendant Lehman Brothers Inc. Lehman Brothers Inc. 745 Seventh Avenue New York, NY 10019
Other Party	Plaintiff MERRILL LYNCH & CO., INC.

Motion for an Extension of Time to Answer With Consent

Lehman Brothers Inc.'s answer is currently due on 01/17/2006, and the close of discovery is currently set for 06/26/2006. Lehman Brothers Inc. requests that its time to answer be extended by 60 days from the current due date, or until 03/18/2006. The grounds for applicant's request are as follows:

- *The parties are discussing settlement*
- *The parties would like this additional time to pursue a possible settlement. The parties would also like to the discovery period and testimony periods to be extended sixty (60) days as well.*

Lehman Brothers Inc. has secured the express consent of all other parties to this proceeding for the extension requested herein.

Lehman Brothers 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,
/james d. zalewa/
James D. Zalewa
jzalewa@leydig.com
ogarcia@aegislawgroup.com
01/17/2006