

ESTTA Tracking number: **ESTTA179414**

Filing date: **12/07/2007**

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

Proceeding.	91176029
Applicant	Defendant Yamaha Hatsudoki Kabushiki Kaisha
Other Party	Plaintiff NBTY, Inc.

Motion for an Extension of Time to Answer With Consent

Yamaha Hatsudoki Kabushiki Kaisha's answer is currently due on 12/11/2007, and the close of discovery is currently set for 03/20/2008. Yamaha Hatsudoki Kabushiki Kaisha requests that its time to answer be extended by 60 days from the current due date, or until 02/09/2008. The grounds for applicant's request are as follows:

- *The parties are discussing settlement*

Yamaha Hatsudoki Kabushiki Kaisha has secured the express consent of all other parties to this proceeding for the extension requested herein.

Yamaha Hatsudoki Kabushiki Kaisha 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 Facsimile or email (by agreement only) on this date.

Respectfully submitted,
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12/07/2007