

ESTTA Tracking number: **ESTTA213975**

Filing date: **05/28/2008**

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

Proceeding	91181995
Party	Defendant Albaugh, Inc.
Correspondence Address	Adam W. Jones Albaugh, Inc. 1525 NE 36th St Ankeny, IA 50021 UNITED STATES Adamj@albaughinc.com
Submission	Motion to Extend
Filer's Name	Adam W. Jones
Filer's e-mail	AdamJ@albaughinc.com
Signature	/adam w jones/
Date	05/28/2008
Attachments	Fourth Motion to Extend time to answer (Wyeth) - Pyramid.pdf (2 pages)(21708 bytes)

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

In the Matter of Application Serial No. 76/642,493
Mark: PYRAMID
Filing Date: July 11, 2005

WYETH,

OPPOSER,

v.

ALBAUGH, INC.

APPLICANT.

Opposition: 91181995

APPLICANT'S FOURTH MOTION TO
EXTEND TIME TO ANSWER
OPPOSITION

Applicant, ALBAUGH, INCORPORATED, hereby requests a thirty (30) day extension of time from May 29, 2008, to June 29, 2008, to answer the above identified Opposition.

1. Opposer filed its opposition on January 18, 2008, and notice of the time to answer was mailed to Applicant on January 19, 2008.
2. The forty (40) day period to respond to the opposition ended February 28, 2008.
3. Applicant has requested and received a thirty (30) day extension extending the time to respond from February 28, 2008, to March 29, 2008, a second thirty (30) day extension extending the time to respond from March 29, 2008, to April 29, 2008, and third thirty (30) day extension extending the time to respond from April 29, 2008, to May 29, 2008.
4. Applicant is requesting a fourth thirty (30) day extension extending the time to respond from May 29, 2008, to June 29, 2008.
5. On May 22, 2008, counsel for Opposer corresponded with Applicant's attorney, Adam W. Jones, and Opposer agreed to the thirty (30) day extension requested herein.

6. Since November 7, 2007, representatives of Applicant had been in ongoing discussions with representatives of Opposer concerning settlement and avoidance of an opposition proceeding.

7. Applicant needs the extra thirty (30) days in order for the parties to have time to execute a settlement agreement.

8. Applicant believes that the requested extension of thirty (30) days will be sufficient to provide adequate time for the parties to execute a settlement agreement and that such extension will not unduly delay these proceedings and/or prejudice Opposer.

WHEREFORE, Applicant requests the TTAB grant this motion to extend.

Respectfully submitted by,



Adam W. Jones, Reg. No. 57,116
Albaugh, Inc.
1525 NE 36th St
Ankeny, Iowa 50021
E-mail: AdamJ@albaughinc.com
Telephone: (515) 965-5267
Facsimile: (515) 964-7813

ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing request for extension of time was served by pre-paid first class mail and e-mail to counsel for Opposer:

Sudipta Rao
Wyeth
Five Giralda Farms
Madison, NJ 07940
raos@wyeth.com

on this 28th day of May, 2008.



Adam W. Jones