

ESTTA Tracking number: **ESTTA221164**

Filing date: **06/30/2008**

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	06/30/2008
Attachments	Fifth Motion to Extend time to answer (Wyeth) - Pyramid.pdf (2 pages)(21616 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 FIFTH MOTION TO
EXTEND TIME TO ANSWER
OPPOSITION

Applicant, ALBAUGH, INCORPORATED, hereby requests a sixty (60) day extension of time from June 29, 2008, to August 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 thirty (30) day extension extending the time to respond from March 29, 2008, to April 29, 2008, a thirty (30) day extension extending the time to respond from April 29, 2008, to May 29, 2008, and a thirty (30) day extension extending the time to respond from May 29, 2008, to June 29, 2008.
4. Applicant is requesting a fifth extension of sixty (60) days extending the time to respond from June 29, 2008, to August 29, 2008.
5. On June 30, 2008, Applicant's attorney, Adam W. Jones spoke with counsel for Opposer, Sudipta Rao, and Opposer agreed to the sixty (60) day extension requested herein.

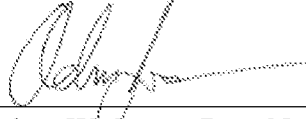
6. Since November 7, 2007, representatives of Applicant had been in ongoing discussions with representatives of Opposer concerning settlement and avoidance of an opposition proceeding.

7. Applicant and Opposer have executed a settlement agreement and Applicant needs the extra sixty (60) days to satisfy all of the terms of the agreement.

8. Applicant believes that the requested extension of sixty (60) days will be sufficient to provide adequate time for the parties to settle this matter 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.
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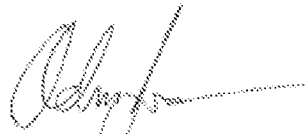
ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

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

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

on this 30th day of June, 2008.



Adam W. Jones