

ESTTA Tracking number: **ESTTA284134**

Filing date: **05/14/2009**

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

Proceeding	92048266
Party	Defendant Zucrum Foods, L.L.C.
Correspondence Address	ROBERT TED PARKER KIRKPATRICK & LOCKHART PRESTON GATES ELL 55 Second Street, Suite 1700 San Francisco, CA 94105-3493 UNITED STATES david.dunbar@klgates.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	ROBERT TED PARKER
Filer's e-mail	ted.parker@klgates.com, david.dunbar@klgates.com
Signature	/rtp/
Date	05/14/2009
Attachments	SF-#183659-Consent_Motion.pdf (5 pages)(15757 bytes)

Pursuant to 37 CFR § 2.127(e)(1), “a brief in response to the motion for summary judgment shall be filed within thirty days from the date of service of the motion unless the time is extended by stipulation of the parties approved by the Board, or upon motion granted by the Board, or upon order of the Board.” On May 8, 2009, counsel for the parties agreed to the extension stated in the above paragraph. See Declaration of Robert Ted Parker attached hereto (setting forth good cause for such extension).

Respectfully submitted this 14th day of May, 2009.

K&L GATES, LLP

By [Robert Ted Parker](#)

Robert Ted Parker

Attorney for Registrant Zucrum Foods, LLC

Robert Ted Parker (CSB#43024)

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Consent provided by:

Gregory N. Owen

Owen, Wickersham & Erickson, P.C.

455 Market Street, Suite 1910

San Francisco, CA 94105

**DECLARATION OF ROBERT TED PARKER IN SUPPORT OF CONSENT MOTION
TO EXTEND PERIOD OF TIME TO RESPOND TO PETITIONER'S AMENDED
MOTION FOR SUMMARY JUDGMENT**

I, Robert Ted Parker, declare as follows:

1. I am attorney of record for Registrant Zucrum Foods, L.L.C.

2. I had an appellate argument this week in New York, NY at the Second Circuit Court of Appeals for which cross-country travel was required. The immediate need for preparation and travel for the handling of this matter required my full attention last week and this, having no available help in my firm for that matter or the present matter before the TTAB.

3. Registrant's response and cross-motion are currently due on May 20, 2009.

Consequently I asked Greg Owen, counsel for Petitioner, for the courtesy of a ten (10) day extension to the period of time to respond to Petitioner's Amended Motion for Summary Judgment and to file its Cross-Motion for Summary Judgment. Mr. Owen graciously agreed to this request.

4. The e-mail chain reflecting this communication between counsel is reproduced here:

From: Greg Owen [mailto:GOWEN@owe.com]

Sent: Friday, May 08, 2009 3:24 PM

To: Parker, Ted

Subject: RE: Response to Summary Judgment Motion -- Marquez Bros.v. Zucrum

Ted:

A 10-day extension of time to file your Response Brief is not a problem. You can represent that you have my consent.

Regards,

Greg Owen

From: Parker, Ted [mailto:ted.parker@klgates.com]
Sent: Friday, May 08, 2009 3:07 PM
To: Greg Owen
Subject: Response to Summary Judgment Motion -- Marquez Bros.v. Zucrum

Greg:

I write to ask a small favor -- a stipulation for a 10-day extension to file a Response Brief to your Summary Judgment Motion. I have an appellate argument next week in New York at the Second Circuit Court of Appeals. I'm finding the need for preparation and travel to be distracting, and I have no available help here. I believe the Response is currently due on May 20th.

I would appreciate your kind consideration.

Regards,

Ted Parker

Partner
K&L Gates
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and is executed at San Francisco, California.

Dated: May 14, 2009

By *Robert Ted Parker*
Robert Ted Parker

CERTIFICATE OF SERVICE

I, David A. Dunbar, hereby certify that a true and complete copy of the foregoing document:

**CONSENT MOTION TO EXTEND PERIOD OF TIME TO RESPOND TO
PETITIONER'S AMENDED MOTION FOR SUMMARY JUDGMENT**

was served on Attorneys for Petitioner on May 14, 2009 by enclosing a copy of said document in an envelope addressed as set forth below and by causing such envelope to be delivered as indicated below:

Gregory N. Owen
Owen, Wickersham & Erickson, P.C.
455 Market Street, Suite 1910
San Francisco, CA 94105
gowen@owe.com

- [X] BY MAIL: A true and correct copy of such document was placed in a sealed envelope, addressed as shown above, and such correspondence was deposited, with postage fully prepaid, in a United States Post Office mail box at San Francisco, CA on the same day in the ordinary course of business.

- [] BY PERSONAL SERVICE: A true and correct copy of such document was placed in a sealed envelope, addressed as shown above and the undersigned caused such envelope to be delivered by hand to the offices of the addressee.

- [] BY FACSIMILE: Such document was faxed to the facsimile transmission machine with the facsimile machine number stated above. Upon completion of the transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.

- [X] BY ELECTRONIC MAIL: Such document was transmitted to the e-mail address listed above. The e-mail was not returned as undeliverable

I declare, under penalty of perjury, that the foregoing is true and correct and is executed on May 14, 2009 at San Francisco, California.

David A. Dunbar

David A. Dunbar