

1 Bobby A. Ghajar (Bar No. 198719)
 Email: ghajarb@howrey.com
 2 HOWREY LLP
 3 550 South Hope Street, Suite 1100
 Los Angeles, CA 90071
 4 Telephone: (213) 892-1800
 Facsimile: (213) 892-2300

5
 6 Peter E. Moll (*pro hac vice to be filed*)
 Email: mollp@howrey.com
 7 Alan Cooper (*pro hac vice to be filed*)
 Email: coopera@howrey.com
 8 HOWREY LLP
 1299 Pennsylvania Avenue, NW
 9 Washington, DC 20004-2402
 Telephone: (202) 783-0800
 10 Facsimile: (202) 383-6610

11 Attorneys for Defendant
 12 ANHEUSER-BUSCH, INC.

13
 14 UNITED STATES DISTRICT COURT
 15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 UNITED BRANDS COMPANY, INC.,)	
)	
17 Plaintiff,)	Case No. 10-CV-2281 BEN (WMc)
)	
18 v.)	NOTICE OF MOTION AND EX PARTE
)	MOTION FOR EXTENSION OF TIME TO
19)	ANSWER OR OTHERWISE RESPOND TO
20 ANHEUSER-BUSCH, INC.)	COMPLAINT
)	
21 Defendant.)	
)	

22
 23 COMES NOW, pursuant to Fed. R. Civ. P. Rule 6(b)(1)(A) and Local Rule 12.1, Defendant
 24 Anheuser-Busch, Inc. (“Anheuser-Busch”) files this motion for a three week extension of its deadline
 25 to answer or otherwise respond to United Brands Company, Inc.’s (“United Brands”) complaint.

26 United Brands filed its complaint against Anheuser-Busch on November 4, 2010 alleging
 27 claims for trademark infringement, trademark dilution, copyright infringement, and unfair competition
 28 under state, federal, and common law. The current deadline for Anheuser-Busch to respond to the

1 complaint is November 29, 2010, the day after Thanksgiving (Dkt. No. 9).

2 Anheuser-Busch, which is based in St. Louis, Missouri, recently hired defense counsel and is in
3 the process of evaluating the numerous claims in United Brands' complaint. Under the circumstances,
4 and because the current deadline falls just after the Thanksgiving holiday weekend, Anheuser-Busch
5 seeks a three-week extension of time to complete its evaluation and to prepare an appropriate response
6 to United Brands' complaint.

7 Prior to filing this motion, through respective counsel, Anheuser-Busch contacted United
8 Brands to seek a stipulation allowing Anheuser-Busch additional time to file its response to the
9 complaint. United Brands, however, conditioned its consent on the type of responsive pleading
10 Anheuser-Busch intended to file – indicating that if Anheuser-Busch intended to file a Rule 12(b)
11 motion (as per its right), United Brands would only provide an extension until December 7th (a mere 8
12 days from the current deadline), but if Anheuser-Busch agreed to only file an answer, Anheuser-Busch
13 could have until December 14, 2010. *See* attached Exhibit 1. United Brands' position is unsupported
14 and unreasonable. Accordingly, Anheuser-Busch indicated that it would file a motion seeking an
15 extension until December 17, 2010. *Id.*

16 This is the first request for extension of time. As indicated, Anheuser-Busch will be prepared
17 to file its answer or otherwise respond to the complaint by December 17, 2010. United Brands cannot
18 demonstrate any prejudice that it would suffer from the three-week extension. For the foregoing
19 reasons, Anheuser-Busch believes it has established good cause for the three-week extension and
20 respectfully requests that the Court grant this request.

21
22 Dated: November 19, 2010

/s/ Bobby A. Ghajar

Bobby A. Ghajar

HOWREY LLP

550 South Hope Street, Suite 1100

Los Angeles, California 90071

Telephone: (213) 892-1800

Facsimile: (213) 892-2300

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Email: coopera@howrey.com
HOWREY LLP
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2402
Telephone: (202) 783-0800
Facsimile: (202) 383-6610

Attorneys for Defendant
ANHEUSER-BUSCH, INC.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 19, 2010, I electronically filed the following documents with
3 the Clerk of the Court for the United States District Court, Southern District of California by using the
4 CM/ECF system:

5 1. Anheuser-Busch, Inc.'s Notice of Motion and *Ex Parte* Motion for Extension of Time
6 to Answer or Otherwise Respond.

7 2. [Proposed] Order Granting Motion for Extension

8 3. Declaration of Peter Moll in Support of Motion for Extension of Time to Answer or
9 Otherwise Respond.

10 The participants listed below in the case whom are "active" registered CM/ECF users will be
11 served by the CM/ECF system:

12 Nancy Dix
13 DLA Piper US LLP
14 401 B Street, Suite 1700
15 San Diego, CA 92101

16 I declare that I am employed by a member of the bar of this Court, at whose direction this
17 service was made.

18 Dated: November 19, 2010

/s/ Bobby A. Ghajar

Bobby A. Ghajar