

ESTTA Tracking number: **ESTTA618486**

Filing date: **07/30/2014**

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

Applicant:	PM Hotel Associates, L.P
Application Serial Number:	76713042
Application Filing Date:	12/13/2012
Mark:	BURGER JOINT
Date of Publication	04/01/2014

60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances

Pursuant to 37 C.F.R. Section 2.102, Capitol Burger, LLC, 4827 Fairmont Avenue, Bethesda, MD 20814, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Potential Opposer is close to completing its review of the relevant facts, including without limitation (a) compiling evidence of actual confusion between Applicant's applied-for mark and Potential Opposer's registered marks, and (b) determining certain information regarding Applicant's alleged date of first use and the manner in which the applied-for mark has actually been used in commerce. Potential Opposer respectfully submits that it needs to conclude this preliminary investigation before determining whether to bring an opposition claim in good faith regarding this application. As such, Potential Opposer respectfully requests that it be provided with a window of additional time to conclude its investigation into these matters (if 60 days is determined to be too long by this Board, then Potential Opposer is fine with a 30-day extension). Potential Opposer has attempted to contact Applicant regarding this extension request, but has not heard back from Applicant (or its counsel) to date. With that said, Potential Opposer will reach out to Applicant again over any extended period of time granted in an effort to (a) resolve this matter amicably, and (b) help complete its preliminary investigation necessary before filing a Notice of Opposition (in the event the parties cannot come to an agreeable settlement). Potential Opposer appreciates the Board's consideration of this Extension Request.

The time within which to file a notice of opposition is set to expire on 07/30/2014. Capitol Burger, LLC respectfully requests that the time period within which to file an opposition be extended until 09/28/2014.

Respectfully submitted,
/William R. Graefe/
07/30/2014

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