

ESTTA Tracking number: **ESTTA269799**

Filing date: **03/03/2009**

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

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|----------------------------|-----------------------------------|
| Applicant: | Wayne/Scott Fetzer Company |
| Application Serial Number: | 77399578 |
| Application Filing Date: | 02/18/2008 |
| Mark: | APEX |
| Date of Publication | 02/03/2009 |

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Apex, LLC, 100 Main Street, Pawtucket, RI 02860, UNITED STATES, a Limited Liability Company, organized under the laws of Rhode Island, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- The potential opposer needs additional time to confer with counsel

The time within which to file a notice of opposition is set to expire on 03/05/2009. Apex, LLC respectfully requests that the time period within which to file an opposition be extended until 06/03/2009.

Respectfully submitted,
/Brent Canning/
03/03/2009

Brent Canning

Apex, LLC

100 Main Street

Pawtucket, RI 02860

UNITED STATES

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