

ESTTA Tracking number: **ESTTA274472**

Filing date: **03/26/2009**

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

Applicant:	National Association for Stock Car Auto Racing, Inc.
Application Serial Number:	77567385
Application Filing Date:	09/11/2008
Mark:	WHERE THE BEST PROVE IT.
Date of Publication	01/27/2009

60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, USAPROVEIT.COM, 3046 N. 32ND STREET STE. 321, PHOENIX, AZ 85018, 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 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 seek counsel to represent it in this matter
- *Applicant NASCAR wrote potential opposer and falsely claimed Michael Calmese does not use inner lables for its own PROVE IT! trademark registered with the USPTO Reg.No. 2,202,454. On March 23, 2009 Applicant Nascar ordered a t-shirt from potential opposer. On March 25, 2009 potential opposer mailed the t-shirt ordered by Applicant with an inner lable in it proving Applicant's claim is and was inaccurate! Moreover, in 1998 Potential Opposer was successful in negotiating a settlement with the Goodwill Games concerning the mark "WHERE THE WORLD'S BEST PROVE IT" previously filed with the USPTO. The Goodwill Games mark is strikingly similar if not identical to the mark at issue right now! NOTE: The Goodwill Games agreed in writing to expressively abandon their mark with the USPTO and pay Michael Calmese a generous settlement for its alleged infringement!*

The time within which to file a notice of opposition is set to expire on 03/28/2009. USAPROVEIT.COM respectfully requests that the time period within which to file an opposition be extended until 05/27/2009.

Respectfully submitted,
/s/Michael Calmese
03/26/2009

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