

ESTTA Tracking number: **ESTTA310083**

Filing date: **10/07/2009**

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

Applicant:	Baney Corporation
Application Serial Number:	77723907
Application Filing Date:	04/28/2009
Mark:	10 BELOW
Date of Publication	09/08/2009

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

Pursuant to 37 C.F.R. Section 2.102, Five Below, Inc., 1616 Walnut Street, Suite 400, Philadelphia, PA 19103, UNITED STATES, a corporation organized under the laws of Pennsylvania, 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 cause is established for this request by:

- The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 10/08/2009. Five Below, Inc. respectfully requests that the time period within which to file an opposition be extended until 01/06/2010.

Respectfully submitted,

/michael j. leonard/

10/07/2009

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