

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

Applicant: EASTBAY, INC.

**TTAB**

Application Serial Number: 78308367

Application Filing Date: 10/02/2003

Mark: THE EXTRA MILE

Date of Publication: 04/26/2005

**REQUEST FOR EXTENSION OF TIME TO FILE OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

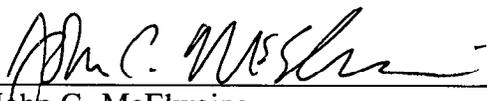
Dear Madam or Sir:

Pursuant to 37 C.F.R. Section 2.102(c)(3), The Extra Mile, Inc., a South Carolina corporation with its principal address at 336 King Street, Charleston, SC 29401, respectfully requests that it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark from October 23, 2005 to December 22, 2005.

The purpose of this request is to enable the parties to continue their settlement discussions and to finalize a settlement agreement relating to this application and civil litigation pending in South Carolina, the terms of which are presently being negotiated. On October 21, 2005, the Applicant's attorney communicated her consent to this extension request.

Respectfully submitted,

EXTRA MILE, INC.

  
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John C. McElwaine

Nelson Mullins Riley & Scarborough, L.L.P.  
151 Meeting Street, Suite 600  
Charleston, South Carolina 29401  
(843) 853-5200

Date: October 21, 2005



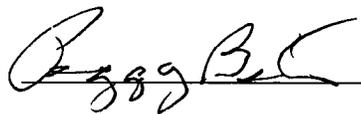
10-24-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I HEREBY CERTIFY that this correspondence with enclosures is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Trademarks P.O. Box 1451, Alexandria, Virginia 22313-1451 on October 21, 2005.

  
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