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

Proceeding	91197014
Party	Defendant RITS, LLC
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Submission	Motion to Extend
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Date	12/29/2010
Attachments	6605899-tottab-20101229-ApplicantMotionfor2dthirtydayextension.pdf ( 3 pages ) (20613 bytes )

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

In the matter of trademark App. Ser. No.: 85/019,492  
Opposition No.: 91197014  
For the mark: RAFTING IN THE SMOKIES  
Date filed: April 21, 2010

Big Creek Expeditions, Inc.,  
Nantahala Outdoor Center, Inc.,  
Outdoor Adventures, Inc.,  
Smoky Mountain Outdoors Unlimited, Inc., and  
Rapid Expeditions, LLC,

Opposers,  
v.

RITS, LLC,

Applicant.

**APPLICANT'S MOTION FOR A SECOND 30-DAY EXTENSION OF TIME  
FOR APPLICANT TO RESPOND TO OPPOSERS' NOTICE OF OPPOSITION**

NOW COMES, Applicant, RITS, LLC ("Applicant), through its undersigned counsel, and states the following for its Motion for a second thirty-day extension of time for applicant to respond Opposers' Notice of Opposition:

1. Opposers filed opposition proceedings on or about October 20, 2010, alleging that Applicant's RAFTING IN THE SMOKIES mark of U.S. Application Serial No.

- 85/019,492 (“the Mark”) is generic, the Mark is merely descriptive and/or geographically descriptive, and that Applicant committed fraud on the USPTO.
2. On or about November 24, 2010, Applicant filed a stipulated request for a first 30 day extension of time to file a response to Opposers’ Notice of Opposition, the request for which was granted, resetting the due date for Applicant to file a response as December 29, 2010.
  3. On December 23, 2010, Applicant filed a Complaint in the United States District Court for the Eastern District of Tennessee, Northern Division (Case No. 3:10-cv-00558). *See* Complaint (including exhibits) attached hereto as Exhibit A.
  4. The Complaint seeks damages arising out of the use of the RAFTING IN THE SMOKIES Mark by, *inter alia*, Rapid Expeditions, LLC, Outdoor Adventures, Inc., and Big Creek Expeditions, Inc. resulting in unfair competition under section 43(a) of the Lanham Act, trademark infringement under Tenn. Code. Ann. § 47-25-512, common law trademark infringement, and violation of the Tennessee Consumer Protection Act.
  5. Because the issues in the federal court litigation are the same as or will at least have a bearing on the issues in dispute in this matter, Applicant, on December 27, 2010, filed a motion requesting this Honorable Board stay these proceedings pursuant to 37 CFR § 2.117(a).
  6. Considering that many government offices are closed due to the holiday season, out of an abundance of caution and having not received express consent from counsel for Opposers to stipulate this request, Applicant hereby requests an unstipulated second 30-day extension of time to respond to Opposers’ Notice of Opposition in order to

give the Board adequate time to consider the motion to stay filed by Applicant on  
December 27, 2010.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

Dated: December 29, 2010

BY: /michael e robinson/  
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing is being served on counsel of record, by first class mail, postage prepaid, addressed as follows:

Jacob G. Horton, Esq.  
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Date: December 29, 2010

/michael e robinson/

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