

ESTTA Tracking number: **ESTTA477432**

Filing date: **06/11/2012**

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

Proceeding	91197669
Party	Defendant Marc Dushey
Correspondence Address	MARC DUSHEY 1 STATE STREET, 21ST FLOOR NEW YORK, NY 10004 UNITED STATES marc@tyrwater.com
Submission	Motion to Extend
Filer's Name	Marc Dushey
Filer's e-mail	marcdushey@gmail.com
Signature	/Marc Dushey/
Date	06/11/2012
Attachments	motion for extn of Time to oppose summary judgment.pdf ( 3 pages )(673212 bytes )

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

TYR SPORT, INC.,	)	
	)	
Opposer,	)	Opposition No. 91197669
	)	Opposition No. 91197670
- against -	)	(Consolidated)
	)	
MARC DUSHEY,	)	
	)	
Applicant-	)	
	)	
	)	

**APPLICANTS' MOTION FOR AN EXTENSION OF TIME IN WHICH  
TO RESPOND TO THE SUMMARY JUDGMENT MOTION**

Pursuant to Rule 2.127 of the Trademark Practice Rules(37 C.F.R. Section 2.127), I Marc Dushey acting Pro Se submit and humbly request the following Motion for 20 Day Extension of Time in which to respond to the summary judgment motion filed by the Opposition TYR Sport.

This is a request for an extension of 20 days to finalize and complete our brief in opposition to the summary Judgment filed by the opposition TYR Sport. They are using Section 2(d) of the Lanham Act as there basis for this Summary Judgment. I Marc Dushey am disputing all the Material Facts they have put forward in their summary judgment. Such as to the oppositions marks tremendous fame, the use of their marks and everything else they have as material facts including discrediting my name.

Opposer TYR Sport has also filed a civil action case against applicant I Marc Dushey in The United States District Court of Connecticut on May 21<sup>st</sup> 2012. Opposition was supposed to mention that to the board and did not. I have filed Notice online with ESTTA. This overlapping civil case has doubled my workflow as I am acting Pro Se in that case as well. The work load is very intensive and I work in the day as well.

I need till Friday June 29<sup>th</sup> to submit a completed proper Motion To Oppose the Summary Judgment put in action by the opposition in this hearing.

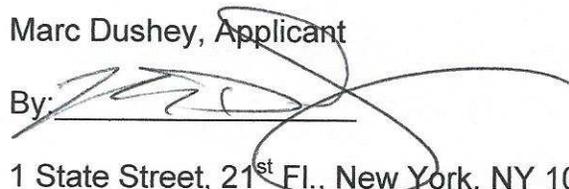
As well both I and the opposition are in talks to request an ACR from the board.

Once again I humbly request that the board grant us me these few additional days to just finalize our opposition to summary judgment.

Dated: New York, NY  
June 11, 2012

Respectfully Submitted,

Marc Dushey, Applicant

By: 

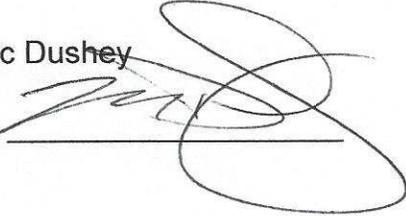
1 State Street, 21<sup>st</sup> Fl., New York, NY 10004  
Phone: (646) 226 8824

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Defendant Representing As Pro Se was served: a) on opposer by mailing a true copy thereof, first class mail, postage prepaid, to, Opposer's counsel, Donna Rubelmann, Esq., 501 Herondo Street, Suite 45, Hermosa Beach, CA 90254, on June 11, 2012.

By: Marc Dushey

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Marc Dushey', is written over a horizontal line. The signature is stylized and somewhat cursive, with a large loop at the end.