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

Proceeding	91205896
Party	Defendant Wild Brain Entertainment, Inc.
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Submission	Stipulated/Consent Motion to Extend
Filer's Name	William M. Merone
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Date	11/26/2013
Attachments	Motion for Extension of Time.pdf(21813 bytes )

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

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BEAU L. TARDY

Opposer,

Opp. No. 91205896

v.

WILD BRAIN ENTERTAINMENT, INC.

Applicant.

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**MOTION ON CONSENT FOR AN EXTENSION OF TIME TO  
OPPOSE APPLICANT'S MOTION FOR LEAVE TO FILE A  
THIRD AMENDED NOTICE OF OPPOSITION**

Pursuant to TBMP Section 509.01(a) and Trademark Rule 2.127(a), Applicant, Wild Brain Entertainment, Inc., respectfully requests a **thirty-day** extension of time to file its opposition to the *Motion for Third Amended Notice of Opposition* (D.I. 22) filed by Opposer, Beau L. Tardy. Through counsel, Opposer has consented to the requested extension.

**BACKGROUND AND ARGUMENT**

Opposer initiated this action on July 3, 2012, challenging Applicant's application to register the mark DIZZY in view of certain common law rights that Opposer claims to own. *See* D.I. 1. Since then, Opposer has amended his notice of opposition twice. *See* D.I. 12, 16.

On November 8, 2013, Opposed moved to amend his notice of opposition a third time. *See* D.I. 22. Shortly after that filing, the Board suspended further proceedings (except as to actions germane to the pending motion) and Applicant retained new counsel. *See* D.I. 23, 24. The deadline for Applicant to respond to Opposer's motion is presently **Friday, November 29**.

New counsel (Kenyon & Kenyon LLP) is requesting a thirty-day extension of time to respond to the pending motion so that it may have time to familiarize itself with the issues in this case and then prepare an appropriate response to the pending motion. Counsel for Opposer was contacted about the extension request and has consented to the grant of the extension.

Applicant thus respectfully requests that the Board grant a **thirty-day** extension of time for Applicant to file its opposition brief (if any), which would extend the filing deadline to **December 30, 2013**. This is the first extension request filed with respect to the pending motion.

Applicant submits that the proposed extension of time is being made to facilitate the orderly submission of Applicant's brief on the issues Opposer has raised in his motion and is not for the purpose of delaying proceedings. Moreover, given that proceedings have been stayed and Opposer has consented to the extension request, Opposer will not be prejudiced by the extension grant. Thus, Applicant submits that good cause exists for granting an extension.

Respectfully submitted,

Dated: November 26, 2013

/William M. Merone/  
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*Counsel for Applicant,  
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing *Motion on Consent for an Extension of Time to Oppose Applicant's Motion for Leave to File a Third Amended Notice of Opposition* was served on the parties or counsel indicated below by electronic mail sent to the address(es) listed below (as agreed to by the parties):

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*Counsel for Opposer*

Dated: November 26, 2013

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