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

Proceeding	91206251
Party	Defendant Finish Strong Ventures, Inc.
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Submission	Motion to Extend
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Signature	/Robert B. Golden/
Date	05/23/2013
Attachments	Motion to Extend.pdf(95567 bytes)

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

Application Serial No.:	**85171899**
Mark:	**THE ELEVATION GROUP**
International Class:	**41**
Applicant:	**Finish Strong Ventures, Inc.**
Published in *Official Gazzette:*	**April 3, 2012**

ELEVATION MANAGEMENT, LLC,	:	
Opposer,	:	
	:	**Opposition No. 91206251**
FINISH STRONG VENTURES, INC.,	:	
Applicant.	:	

APPLICANT'S MOTION FOR AN EXTENSION OF TIME TO FILE AN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT

Applicant Finish Strong Ventures, Inc. ("Applicant") submits this motion for an extension of time of three (3) weeks to file its opposition to the motion for summary judgment filed by Opposer Elevation Management, LLC ("Opposer") pursuant to TMBP § 509.01(a). This is Applicant's first request for an extension of time to respond to the motion for summary judgment.

Applicant's request for an extension of time is not merely for purposes of delay or other improper purposes. Rather, Applicant needs additional time to investigate the underlying factual issues, research the legal issues, compile relevant documents and evidence, and draft the appropriate legal documents. It should be noted that Opposer served its motion for summary judgment relatively early, during the discovery period. Based on the timing of the service of Opposer's written discovery requests and its motion for summary judgment, responses to Opposer's discovery requests were not yet due. Thus, Applicant had not completed its review

and collection of relevant documents. Accordingly, as part of the response to Opposer's motion for summary judgment, Applicant must review and compile the relevant documents and evidence needed to oppose the motion. It is also worth noting that Opposer served its motion for summary judgment (thereby suspending the proceeding for all purposes unrelated to the motion) just before Opposer would have been required to respond to Applicant's discovery requests, in what could be considered a strategic ploy to shift the burden and costs of the proceeding to Applicant.

Additionally, Applicant recently hired new general counsel. Thus, the undersigned counsel has needed to review this matter with new general counsel, so that general counsel can evaluate not only the pending motion for summary judgment, but the opposition proceeding as a whole; if Applicant does not intend to pursue the Application and this Opposition proceeding as a whole, it would be a waste of the Board's and the parties' time and effort to continue with this motion. New general counsel needs additional time to understand the underlying issues and the importance of the mark applied for to the business of Applicant as a whole.

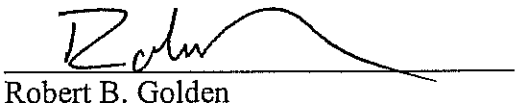
As set forth in Applicant's application, Applicant has been using the subject mark since 2010. To date, Opposer has not taken any action aimed at preventing Applicant's continued use of the mark. Under the circumstances, it is impossible to imagine that the "delay" of three weeks will in any manner prejudice Opposer.

Applicant sought Opposer's consent to the three week extension. Opposer expressed a willingness to extend Applicant's time to answer for one week, but would not consent to the requested three weeks. Thus, this motion is necessary.

Dated: Scarsdale, New York
May 23, 2013

Respectfully submitted,

LACKENBACH SIEGEL LLP



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed APPLICANT'S MOTION FOR AN EXTENSION OF TIME TO FILE AN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT was served on Opposer on May 23, 2013, via U.S. 1st Class Mail, addressed to counsel for Opposer as follows:

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Jordana S. Rubel, Esq.
Mogan, Lewis & Bockius LP
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Washington, DC 20004

Dated: Scarsdale, New York
May 23, 2013

Nicole Saraco

Nicole Saraco