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Filing date: **07/14/2015**

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

Proceeding	91219959
Party	Defendant Fitness Publications, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Signature	/melaniehoward/
Date	07/14/2015
Attachments	Consented Mtn to Extend Time.pdf(19999 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Universal Protein Supplements)	Opposition No. 91219959
Corporation dba Universal Nutrition,)	
)	
Opposer,)	
)	
vs.)	Mark: 
)	
Fitness Publications, Inc.,)	Serial No.: 86/026,728
)	
Applicant.)	Filing Date: August 01, 2013

OPPOSITION TO MOTION TO STRIKE

Fitness Publications, Inc., a California corporation (“Fitness Publications”) hereby files this Consented Motion to Extend Time to Respond to the Motion to Strike and Suspend Proceedings (“Motion to Strike”) filed by Universal Protein Supplements Corporation dba Universal Nutrition (“Universal Nutrition”).

Fitness Publications moves, with the consent of Universal Nutrition, for an extension of five (5) days to respond to the Motion to Strike. Universal Nutrition filed its Motion to Strike on June 24, 2015. By email dated June 26, 2015, Universal Nutrition informed Fitness Publications that, due to an inadvertent error, the Motion to Strike had not been served on June 24, 2016; in that same email, Universal Nutrition consented to extending Fitness Publications’ time to respond by five (5) days.

“Pursuant to Fed. R. Civ. P. 6(b), made applicable to Board proceedings by 37 C.F.R. §2.116(a), a party may file a motion for an enlargement of the time in which an act is required or allowed to be done.” T.B.M.P. § 509.01. Such motions shall be granted upon a showing of good cause. *Id.* Fitness Publications submits that the delay in service of the Motion to Strike by Universal Nutrition, combined with Universal Nutrition’s consent to the requested extension of time, constitutes good cause.

Accordingly, the parties request that the Board grant the request to extend the deadline for Fitness Publications to respond to the Motion to Strike by five (5) days, from July 14, 2015 to July 19, 2015.

Dated: July 14, 2015

Respectfully submitted,

LOEB & LOEB LLP
DAVID W. GRACE
MELANIE HOWARD

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Attorneys for Applicant,
Fitness Publications, Inc.

CERTIFICATE OF SERVICE AND ELECTRONIC MAILING

It is hereby certified that a copy of the foregoing OPPOSITION TO MOTION TO STRIKE is being served on Universal Nutrition via email to:

mgorman@marshallip.com
kking@marshallip.com
cbeaker@marshallip.com

By email dated July 14, 2014, Universal Nutrition consented to service of this motion via email.

Executed this 14TH day of July 2015 at Los Angeles, California.

/MelanieHoward/
MELANIE HOWARD