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

Proceeding	91240520
Party	Defendant F.N.B. Corporation
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Submission	Motion to Extend
Filer's Name	Jennifer Whitelaw
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Date	09/24/2018
Attachments	Applicants Motion for Extension of Time to Respond to MTD.pdf(53514 bytes )

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

**OMEGA CAPITAL MANAGEMENT, LLC**

Opposer,

Opposition No. 91240520

v.

**F.N.B. CORPORATION,**

Applicant.

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**APPLICANT’S MOTION FOR EXTENSION OF TIME TO  
FILE RESPONSE TO OPPOSER’S MOTION TO DISMISS COUNTERCLAIM**

Applicant/Counter-Plaintiff **F.N.B. CORPORATION** (hereinafter FNB), by and through the undersigned counsel, hereby files the following motion for extension of time to file response to Opposer’s motion to dismiss the Applicant’s counterclaim, and in support of this motion states as follows:

The present deadline for Applicant/Counter-Plaintiff to respond to the Motion to Dismiss filed by Opposer/Counter-Defendant is September 24, 2108. The Opposer has set forth certain arguments in its motion to dismiss which incorrectly claim that Applicant’s counterclaim herein “*is devoid of factual allegations*”. The Applicant has pleaded, among other factual allegations, the existence of longstanding prior trademark rights which the Opposer may have disregarded.

Nevertheless, in the spirit of cooperation and to conserve resources which would be devoted to the determination of Opposer’s motion, the Applicant has offered to amend the present counterclaim. The Opposer has now consented to allow Applicant to amend. Applicant therefore seeks in an extension of time to brief the pending motion to dismiss, to which

Applicant has a meritorious response, so as to allow the Applicant to move to file the amended counterclaim. Applicant's motion should therefore be granted.

WHEREFORE Opposer seeks a short extension of thirty days from the date of the Board's order on this motion within which the Applicant may proceed as outlined herein.

**CONCLUSION**

WHEREFORE, for the foregoing reasons, Applicant's motion herein should be granted.

Respectfully submitted,

/Jennifer L. Whitelaw/  
JENNIFER L. WHITELOW  
WHITELOW LEGAL GROUP  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing in this matter is being provided to the Attorney for Opposer:

[Penina Michlin Chiu](#)  
Frederic Dorwart, Lawyers PLLC  
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via electronic transmission on September 24, 2018.

/JENNIFER L. WHITELAW/  
JENNIFER L. WHITELAW