

ESTTA Tracking number: **ESTTA322997**

Filing date: **12/18/2009**

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

Proceeding	92051492
Party	Defendant Grace Premier Fitness & Wellness Product s, Inc.
Correspondence Address	Kurt M. Rylander Rylander & Associates PC P.O. Box 250 Vancouver, WA 986661508 UNITED STATES rylander@rylanderlaw.com, beatty@rylanderlaw.com
Submission	Other Motions/Papers
Filer's Name	Kurt M. Rylander
Filer's e-mail	rylander@rylanderlaw.com, beatty@rylanderlaw.com, fox@rylanderlaw.com
Signature	/kurt m. rylander/
Date	12/18/2009
Attachments	GRAC.002-OPP-20091218 Req for Extension of time.pdf (3 pages)(160650 bytes)

CERTIFICATE OF ELECTRONIC TRANSMISSION

DATE OF DEPOSIT: December 18, 2009

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated above. ,

Kurt M. Rylander

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

In the Matter of Registration No. 3,090,868
Filed: May 20, 2002
Registered: May 9, 2006
Mark: GRIP GAP

GAP (APPAREL) LLC,

Petitioner,

-v-

GRACE PREMIER FITNESS &
WELLNESS PRODUCTS, INC.,

Respondent.

Proceeding No. 92051492

**RESPONDENT'S CONSENTED TO
REQUEST FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO
DISMISS**

United States Patent and Trademark office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

COMES NOW Respondent, GRACE PREMIER FITNESS & WELLNESS PRODUCTS, INC., by undersigned counsel, and requests under Rule 2.116(a) and TBMP 509.1(a) to extend the time for filing a Response to Petitioner's December 14, 2009 Motion to Dismiss. Counsel has communicated with counsel for Petitioner, and counsel for Petitioner does not oppose this request.

Response to Petitioner's Motion to dismiss is currently due over the Holiday Break. Respondent's counsel is a small firm of three attorneys with limited resources. None of the attorneys will be available to review or draft a response to Petitioner's Motion to Dismiss during the time period currently set or response. Respondent needs the extension of time because its attorneys will not be available to substantively review and consider the Motion. Counsel for Respondent requested an extension to February 1, 2010 to file the Response. Counsel for Petitioner stated that Petitioner would only grant an extension to January 18, 2010, which Respondent reluctantly accepted. It is submitted that the Respondent has shown good cause for this request and respectfully requests that this extension be granted.

WHEREFORE Respondent prays for extension of time for filing a Response to the Motion to Dismiss up to and including January 18, 2010.

DATED THIS December 18, 2009

Respectfully submitted,
RYLANDER & ASSOCIATES PC

KURT M. RYLANDER, Reg. No. 43,897
MARK E. BEATTY, Reg. No. 60,623
P.O. Box 250
Vancouver, WA 98666
(360) 750-9931
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date signed below I served the document to which this certificate is attached on the attorney of record for the Petitioners, James D. Weinberger, Fross Zelnick, Lehrman & Zissu, P.C., by e-mail to jweinberger@frosszelnick.com, with his consent to accept service by e-mail.

DATED 12/18/09


KURT M. RYLANDER