

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

LUMEN TECHNOLOGIES LLC, )  
)  
Plaintiff, )  
)  
v. ) 1:13-cv-03599-DLC  
)  
FINDTHEBEST.COM, INC. )  
)  
Defendant. )  
\_\_\_\_\_)

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**PLAINTIFF’S MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL**

Plaintiff LUMEN TECHNOLOGIES LLC (“Lumen”) hereby moves the Court for an order granting a thirty-day extension of time, until February 7, 2015, for Lumen to file its notice of appeal regarding the Court’s Order dated December 8, 2014 (D.I.119).

Currently pending before the Second Circuit is an appeal in the matter of FindTheBest.com, Inc. v. Lumen View Technology LLC et al , 1:13-cv-06521-DLC, Court of Appeals Docket #14-1868. This matter concerns the same issues raised by Plaintiff and Defendant in the above-captioned matter. An opinion in this matter by the Second Circuit, which has yet to issue a precedential opinion on the issues raised by Lumen in the above-captioned matter, may conclusively resolve the dispute between the parties.

Accordingly, Lumen requests, pursuant to Fed. R. App. P. 4(a)(5)(A), a thirty-day extension of time to file its notice of appeal. No party will be prejudiced by the granting of this brief extension, and counsel for Defendant has consented to such request.

Dated: December 17, 2014

/s/ Damian Wasserbauer  
Damian Wasserbauer (DW3507)

Attorney for Plaintiff  
Lumen View Technologies LLC

*The extension is granted until 1/16/15, given the holiday period and the defendant's consent. These two cases are not sufficiently overlapping that a decision in one will resolve the other.*

*Michael G. ...  
12/18/14*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2014, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Damian Wasserbauer  
Damian Wasserbauer