

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Mailed: October 9, 2015

In re Jörg Heinz GmbH & Co. KG

Serial No. 79142611

Filed: 11/22/2013

**Lalita Greene, Paralegal Specialist:**

It has come to the Board's attention that on September 14, 2015, Applicant filed a further request for an extension of time to file its appeal brief. The Board was unaware of that document when, on September 29, 2015, the Board dismissed the appeal for failure to file a brief. Accordingly, the Board's September 29, 2015 order is vacated, and the Board will consider Applicant's request for a further extension.

On August 8, 2015, the Board granted Applicant's previous request for an extension, and allowed Applicant until **September 7, 2015** in which to file its brief. Applicant did not file its brief, or a request for an extension to file its brief, within the time set therefore. Instead, one week after the due date for its brief, on September 14, 2015, Applicant filed the instant request for extension. Applicant has

provided no reason for this late filing. Further, the reasons provided by Applicant for the requested extension, e.g., that Applicant “is in the process of seeking further instructions and clarifications from his client on pursuing a potential follow-up action and communication”; that “additional time would also be necessary for consulting with the principals for the client on the potential appeal brief”; and that “Applicant’s counsel has been heavily involved in a District Court trial and related Court proceedings including out of state business travel, TTAB adversarial matters, as well as respond [sic] to a variety of other deadlines for foreign and domestic based clients,” are virtually identical to the reasons Applicant gave in its request for an extension filed on July 13, 2015. Although these reasons were sufficient for the Board to grant the 60 day extension that was initially requested, they do not suffice as a basis for further extensions.

In view of the totality of the circumstances (Applicant’s failure to provide an explanation for the late filing of its extension request and the reasons given for the further extension), Applicant’s request for an extension is denied. The appeal is dismissed, and the application will be deemed abandoned.