

Mailed: December 20, 2013

Applicant: Kiaico, Inc.

Serial No. 85904324

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Mark: MARSHAL A.R.T. AMERICAN RENEGADE TRACKER

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**David Mermelstein, Administrative Trademark Judge:**

On November 21, 2013, the Trademark Trial and Appeal Board granted potential opposer Marshall Amplification PLC's request for a thirty-day extension of time to oppose. Now before the Board is applicant's December 12, 2013, request for reconsideration of the Board's order granting the extension request. Potential opposer may view the request for reconsideration at the following URL:

<http://ttabvueint.uspto.gov/ttabvue/v?pno=85904324&pty=EXT&eno=3>

In its request for reconsideration, applicant contends that the potential opposer has not made a showing of good cause and questions whether the threat to file what applicant views as a groundless opposition is an attempt by potential opposer to prolong the registration process for applicant's trademark application and to increase the cost of competition. Nonetheless, this order concerns only whether the grant of an extension of time to oppose was

appropriate. It is premature to consider the merits of any opposition which may be filed. That issue can be fully considered if and when a notice of opposition is filed.<sup>1</sup>

Trademark Rule 2.102 provides in pertinent part that:

(a) Any person who believes that he, she or it would be damaged by the registration of a mark on the Principal Register may file in the Office a written request, addressed to the Trademark Trial and Appeal Board, to extend the time for filing an opposition. ...

...

(c) ... (1) A person may file a first request for either a thirty-day extension of time, which will be granted upon request, or a ninety-day extension of time, which will be granted only for good cause shown.

On November 21, 2013, potential opposer filed a request for a thirty-day extension of time to oppose pursuant to Trademark Rule 2.102(c)(1). By order issued the same day, the Board granted potential opposer's request. Applicant now requests reconsideration.

Pursuant to Trademark Rule 2.102, an initial thirty-day extension of time to oppose "will be granted upon request." No showing of good cause or excusable neglect is required for a thirty-day first extension. (Although applicant's request for reconsideration includes a discussion of good cause, that portion of the request apparently concerns a companion application.) Accordingly, we conclude that potential opposer's November 21, 2013, request for extension of time to oppose was properly granted.

In view of the foregoing, applicant's request for reconsideration of the Board's grant of a sixty-day extension of time to oppose is DENIED. Potential opposer Marshall Amplification is allowed until December 28, 2013, in which

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<sup>1</sup> Citing a study conducted pursuant to a Congressional mandate, applicant further suggests that the Board curb potential opposer's "aggressive litigation tactics." While the Board takes such questions seriously, it would be inappropriate to announce in an order involving an individual case any broad-based changes to the Board's rules or to its long-standing practices with respect to extensions of time to oppose. Potential opposer has complied with the Board's existing rules and practices and it should not be punished for doing so in the absence of clear evidence of abuse.

to file a further request to extend time in accordance with Trademark Rule 2.102,<sup>2</sup> or its notice of opposition.

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<sup>2</sup> Although we understand that applicant is concerned about the possibility for further extensions of time to oppose, our rules make clear that potential opposer is entitled to further limited extensions with applicant's consent, or upon a showing of good cause or extraordinary circumstances.