

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: January 10, 2003

Opposition No. 91124361

BIG O TIRES, INC.

v.

GRABER PRODUCTS, INC.

On May 29, 2002, the Board sent a notice of default to applicant because no answer had been filed. Applicant did not file a response thereto. On October 21, 2002, the Board entered default judgment against applicant for failure to file an answer, sustained the opposition, and refused registration to the involved application (Serial No. 75/867,832).

It has now come to the Board's attention that applicant filed, on June 24, 2002 and September 25, 2002, timely extensions of time to respond to the Board's notice of default.¹

¹ Applicant is reminded that the standard for allowing an extension of a prescribed period prior to the expiration of that period is good cause. See Fed. R. Civ. P. 6(b). The grounds for establishing good cause must be set forth with particularity. See e.g., *Luemme Inc. v. D.B. Plus Inc.*, 53 USPQ2d 1758, 1760 (TTAB 2000); and *Fairline Boats plc v. New Howmar Boats Corp.*, 59 USPQ2d 1479 (TTAB 2000).

In view thereof, the Board's October 21, 2002 decision is vacated and application Serial No. 75/867,832 is returned to pending status.

Applicant's motions to extend its time to respond to the show cause order are granted. Applicant is allowed until THIRTY DAYS from the mailing date of this order to respond to the show cause order.²

Proceedings are otherwise suspended.

***By the Trademark Trial
and Appeal Board***

² If the parties are in settlement negotiations, a request for suspension of proceedings may be appropriate.