

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: May 7, 2008

Opposition No. 91177156

H-D Michigan, Inc.

v.

Bryan Broehm

Ann Linnehan, Interlocutory Attorney:

Under the discovery and trial schedule as last reset, opposer's testimony period is set to close on May 27, 2008.

On April 24, 2008, opposer contacted the Board to request a telephone conference to hear its motion to extend the date of the close of its testimony period by thirty days until June 27, 2008. Inasmuch as testimony periods herein were scheduled to commence before any written briefing of such motion would be completed and decided, the Board interlocutory attorney assigned to this case agreed that resolution of the motion to extend by telephone conference was appropriate.

The telephone conference was held on May 5, 2007 at approximately 11:15 a.m. EDT among opposer's attorney, Linda McLeod, applicant Bryan Broehm, and the Board interlocutory assigned to this case, Ann Linnehan.

The standard for allowing an extension of a prescribed period prior to the expiration of that period is good cause. Fed. R. Civ. P. 6(b)(1); TBMP Section 509.01 (2d ed. rev. 2004). The Board is generally liberal in granting extensions before the period to act has lapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. See, e.g., *American Vitamin Products, Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313 (TTAB 1992).

After carefully considering the parties' arguments and given the Board's liberal application of the Rule 6(b) standard, the Board finds that the circumstances herein are appropriate for granting opposer's motion to extend. In particular, the Board finds that opposer has demonstrated the requisite showing of good cause for the extension sought inasmuch as opposer's main witness will be unavailable until mid-June and it is unlikely that opposer will receive certain records it has requested from the Securities and Exchange Commission before the close of its testimony period as currently set.

In view thereof, opposer's motion to extend is granted.

Accordingly, trial dates are reset as follows:

Plaintiff's 30-day testimony period to close: **June 27, 2008**

Defendant's 30-day testimony period to close: **August 26, 2008**

Plaintiff's 15-day rebuttal testimony period to
close:

October 10, 2008

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.