

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

Mailed: November 9, 2010

Opposition No. **91192099**

McDonald's Corporation

v.

McSweet, LLC

Linda Skoro, Interlocutory Attorney

This case now comes up on opposer's motion to extend by one day its time to respond to applicant's request for admissions, filed October 4, 2010. As good cause for the extension of the time period, opposer states that more time is needed to complete its responses in light of the extension document production which was served the next day. Applicant has opposed the motion without providing a suffifiend reason, but in fact has actually challenged opposer's responses to the requests for admissions as insufficient.

We believe that an extension of the response period is warranted. 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). Further, the Board ordinarily is liberal in granting extensions before the period to act has elapsed, so long as the moving party has not been

guilty of negligence or bad faith and the privilege of extensions has not been abused. Opposer has shown good cause sufficient to justify an extension of the response period by one day and has complied with that request by providing its responses to applicant. Further, should applicant wish to pursue a motion to test the sufficiency of opposer's responses, it needs to comply with the rules governing such a motion, including a good faith effort to work out the disagreement. Applicant's present request to test the sufficiency of the responses is denied.

The motion to extend the time period is granted and opposer's responses are deemed timely served. Trial dates remain as set in the Board's March 25, 2010 order.