

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

DUNN

Mailed: September 29, 2011

Opposition No. 91199458

Playboy Enterprises
International, Inc.

v.

William F. Braconi, Aaron A.
Foltz, Steven C. Vance,
Herbert W. Bool and Lael E.
Kopke

Elizabeth A. Dunn, Attorney (571-272-4267):

This case comes up on applicants' motion to extend its time to answer. The motion is contested.¹

The standard for allowing an extension of a prescribed period prior to the expiration of that period is "good cause." See Fed. R. Cir. P. 6(b); National Football League v. DNH Management LLC, 85 USPQ2d 1852, 1854 (TTAB 2008). The Board is generally liberal in granting extensions before the period to act has lapsed, so long as the moving party has not been

¹¹ The Board's attempt to resolve this matter in a phone conference with the parties was unsuccessful because the Board could not reach applicants. Applicants are ordered to list a phone number, at which one of the applicants can be reached or a message left and which is regularly checked for messages, on all papers hereafter filed with Board.

guilty of negligence or bad faith and the privilege of extensions is not abused. See *Hewlett-Packard Co. v. Olympus Corp.*, 931 F.2d 1551, 18 USPQ2d 1710 (Fed. Cir. 1991).

Pursuant to the Board's institution and trial order, the answer to the notice of opposition was due May 26, 2011. On May 25, 2011, applicants, acting pro se, filed a motion to extend their time to answer for ninety days to allow them "to further research our options and reasonably respond" to the notice of opposition. Opposer filed an opposition to the motion to extend on the ground that the requested extension was excessive. While the Board agrees that a ninety day extension exceeds the norm, the motion as a whole does not fail to meet the good cause standard. Applicants' motion to extend its time to file an answer is granted, making applicant's answer due August 23, 2011.

The requested new deadline for filing an answer has passed without applicant having either filed the answer or a motion for further extension. The Board's delay in addressing this motion does not excuse inaction by applicants. "While the Board attempts to notify parties of the grant or denial of a motion to extend prior to the expiration of the assigned time period, the Board is under no obligation to do so, and in many cases cannot." *Luemme Inc. v. D.B. Plus Inc.*, 53 USPQ2d 1758, 1761 (TTAB 1999).

Applicants are allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against them in accordance with Fed. R. Civ. P. 55(b).

Proceedings are suspended pending applicants' response to this order.