

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

CME

Mailed: March 12, 2014

Opposition No. 91209617

XIKAR, INC.

v.

Debra Wiseberg

**Christen M. English, Interlocutory Attorney:**

This case now comes up for consideration of opposer's motion, filed February 10, 2014, to extend its time to answer applicant's second set of discovery requests and to extend the deadlines in this proceeding by thirty days. Applicant opposes the motion. On March 6, 2014, the Board convened a telephone conference with the parties to resolve the motion. Ginnie Derusseau appeared on opposer's behalf, applicant appeared *pro se*, and the interlocutory attorney assigned to this proceeding conducted the telephone conference.

The Board has considered the parties' submissions and the arguments made during the teleconference, and presumes the parties' familiarity with the factual bases for the motion and opposition thereto, and does not recount the

facts or arguments here, except as necessary to explain the decision.

Because opposer filed its motion for extension prior to the expiration of its time to respond to applicant's second set of discovery requests and prior to the opening of the first testimony period, it need only establish "good cause" for the requested extension. Fed. R. Civ. P. 6(b)(1)(A); TBMP § 509 (3d ed. rev.2 2013). Generally, "the Board is liberal in granting extensions of time 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 is not abused." *American Vitamin Products Inc. v. DowBrands Inc.*, 22 USPQ2d 1313, 1315 (TTAB 1992).

The Board finds that opposer has established good cause for the extensions. As opposer explained during the teleconference, opposer is a small company that was occupied for much of February 2014 attending a large trade show and conducting necessary "follow through" after the trade show. Such circumstances do not constitute negligence or bad faith on the part of opposer in seeking the requested extensions. Moreover, opposer has not abused the privilege for extensions thus far, as this is the first extension of any kind that opposer has sought since the commencement of this proceeding, and the length of the extension request is relatively short. For these reasons, opposer's motion is

Opposition No. 91209617

**GRANTED.** Dates are reset in accordance with opposer's motion.

\*\*\*