

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

Mailed: January 31, 2014

Opposition No. 91210494

M/s. Ruchi Soya Industries
Limited

v.

Meenaxi Enterprise, Inc.

**M. Catherine Faint,
Interlocutory Attorney:**

Before the Board is opposer's motion, filed January 6, 2014, for an extension of the discovery period, and applicant's response in opposition to the motion, filed January 10, 2014.

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)(1) and TBMP § 509.01 (3d ed. rev. 2 2013). Ordinarily, 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 1312, 1314 (TTAB 1992).

The Board's institution order set January 7, 2014 as the date for the close of discovery.

In support of the motion to extend time, opposer's counsel argues all correspondence with his client, a corporation in

India, must go through an intermediary Indian law firm, which adds time to the process of communication with the client. Counsel also argues that he timely served discovery requests on applicant, but due to the complexity of communication through the Indian law firm, the written discovery could not be served early enough in the discovery period to permit opposer time to take depositions after receiving responses to discovery. Opposer's counsel also argues that he repeatedly sought the consent of applicant's counsel prior to filing the motion, but applicant's counsel did not respond.

Applicant argues that while opposer's statement is accurate as to the "repeated requests" to applicant's counsel for an extension of time, applicant believes it is "bad faith" for opposer not to explain the requests were made over a twelve day period while applicant's counsel's offices were closed for the holidays and severe winter storms. Applicant argues opposer's request for a sixty-day extension should be denied because it has not made the minimum showing to establish good cause for an extension of time.

The Board finds that on the facts presented here, opposer is not guilty of bad faith or negligence, nor has it abused the privilege of extensions. Further, opposer could not have foreseen that applicant's counsel's office would be closed for such an extended period, or that counsel would not check his telephone and email messages.

In view thereof, the Board finds good cause to grant the motion to extend time. Accordingly, opposer's motion to extend the discovery period by sixty days is granted.

Dates are reset as set out below.

Expert Disclosures Due	2/6/2014
Discovery Closes	3/8/2014
Plaintiff's Pretrial Disclosures Due	4/22/2014
Plaintiff's 30-day Trial Period Ends	6/6/2014
Defendant's Pretrial Disclosures Due	6/21/2014
Defendant's 30-day Trial Period Ends	8/5/2014
Plaintiff's Rebuttal Disclosures Due	8/20/2014
Plaintiff's 15-day Rebuttal Period Ends	9/19/2014

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
