

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

Mailed: September 5, 2013

Cancellation No. 91210574

Puma SE

v.

Francisco Isidro Gonzalez
Espejel

Andrew P. Baxley, Interlocutory Attorney:

On August 29, 2013, the Board granted applicant's motion (filed July 29, 2013) to extend time to comply with the Board's June 26, 2013 order by ten days. On August 29, 2013, opposer filed an "objection" to applicant's motion in which it contends that applicant's motion is (1) untimely and (2) was not served. The Board will treat the objection as a request for reconsideration of the August 29, 2013 order. See Trademark Rule 2.127(b); TBMP Section 518 (3d ed. rev. 2 2013).

Opposer correctly notes that applicant's motion was untimely filed after the July 26, 2013 deadline for compliance with the June 26, 2013 order. In addition, the certificate of service does not indicate a manner of

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service and indicates only an intent to serve applicant's motion on July 29, 2013.¹

Contrary to opposer's apparent belief, the Board would not have issued a notice of default based on applicant's failure to timely comply with the June 26, 2013 order. Rather, the Board would have issued an order to show cause why default judgment should not be entered based on applicant's apparent loss of interest. See TBMP Section 513.01; June 26, 2013 order.

The filing of applicant's motion clearly indicates that applicant has not lost interest in this case. Accordingly, notwithstanding the noted defects in applicant's motion, the Board finds that modification of the August 29, 2013 order granting that motion is unwarranted. The August 29, 2013 order stands.

¹ It does not follow that, because opposer did not receive the service copy of applicant's motion, such copy was not served.