

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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Baxley

Mailed: May 20, 2016

Opposition No. 91227580

Sazerac Brands, LLC

v.

Broue-Alliance Inc./Brew-Alliance Inc.

Andrew P. Baxley, Interlocutory Attorney:

Pursuant to the schedule set forth in the Board notice instituting this proceeding, Applicant's answer is due by June 7, 2016. On May 9, 2016, twenty-nine days prior to that due date, Applicant filed a motion for a ninety-day extension of time to answer. Opposer filed a brief in response thereto. Although Applicant's time to file a reply brief in support of its motion has not expired, the Board elects to decide that motion now. *See* Trademark Rule 2.127(a); *Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 13 USPQ2d 1719, 1720 n.3 (TTAB 1989) ("The presentation of one's arguments and authority should be presented thoroughly in the motion or the opposition brief thereto").

Because Applicant acted prior to deadline for filing its answer, it need only show "good cause" for the extension sought. *See* Fed. R. Civ. P. 6(b)(1)(A); TBMP § 509.01(a) (2015). The Board is generally liberal in granting extensions before the period to act has lapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. *See, e.g.*,

American Vitamin Products, Inc. v. Dow Brands Inc., 22 USPQ2d 1313 (TTAB 1992).

However, a party, in its motion to extend, must set forth with particularity the facts said to constitute good cause for the requested extension and must establish that the requested extension is not made necessary by the party's own lack of diligence or unreasonable delay in taking the required action during the time previously allotted therefor. *See* TBMP § 509.01(a).

After reviewing the parties' arguments and exhibits, the Board, even bearing in mind that the Board's generally liberal practice in granting motions to extend, finds that Applicant has not made a sufficient showing of good cause to extend its time to answer at this time. Although Applicant contends that it needs an additional ninety days "to investigate the 16 opposition claims" prior to filing its answer, Opposer, in the notice of opposition, a single claim, one of likelihood of confusion that is based on four of its registered marks, and which is set forth in sixteen paragraphs. A review of the notice of opposition indicates that the claim set forth therein does not appear to be unusually complicated. Bearing in mind that Applicant filed its motion to extend with nearly a month remaining in its time to answer, the Board finds that Applicant has not yet shown good cause to extend its time to answer. The motion to extend is therefore denied without prejudice.¹

¹ Moreover, the ninety-day extension that Applicant seeks is excessive. Parties typically seek extensions of time to answer of thirty or sixty days.

If, as the deadline for Applicant's answer approaches, Applicant believes that it needs a shorter extension of time to answer than ninety days, Applicant may file a renewed motion for a reasonable extension of time to answer. If Applicant so files, it should contact the Board attorney assigned to this case immediately by telephone so that the Board can schedule a telephone conference with the parties in connection with that motion. *See* Trademark Rule 2.120(i)(1); TBMP § 502.06(a).

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Dates remain as set in the Board notice instituting this proceeding.