

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

Mailed: March 20, 2012

Cancellation No. 92053509

Cleveland State University

v.

CampusEAI Consortium

**George C. Pologeorgis,
Interlocutory Attorney:**

This case now comes before the Board for consideration of respondent's motion (filed March 12, 2012) to extend its time to respond to petitioner's alternative motion for discovery sanctions in the form of judgment filed on February 21, 2012. Petitioner filed a response to respondent's motion to extend on March 19, 2012. The Board has carefully considered the arguments of both parties with regard to the above motion. However, an exhaustive review of those arguments would only serve to delay the Board's disposition of this matter.

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) and TBMP §509.01(a) (3d ed. 2011) and the authorities cited therein. The Board is generally liberal in granting extensions of time 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., *Hewlett-Packard Co. v. Olympus Corp.*, 931 F.2d 1551, 18 USPQ2d 1710 (Fed. Cir. 1991); *American Vitamin Products, Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313 (TTAB 1992); and *Sunkist Growers, Inc. v. Benjamin Ansehl Co.*, 229 USPQ 147 (TTAB 1985).

Though the Board is reluctant to grant motions to extend in cases such as this one in which the moving party does not move until the last day of the affected period (i.e., the date upon which respondent's response to petitioner's motion for discovery sanctions was due), respondent has nonetheless presented persuasive arguments which support granting the requested extension. More particularly, respondent contends that it requires additional time in which to gather evidentiary proof necessary to respond to the allegations and arguments of law that petitioner set forth in its alternative request for discovery sanctions in the form of judgment.

Given the totality of circumstances outlined by respondent, the Board finds sufficient good cause for respondent's motion to extend. Moreover, the Board finds no evidence of bad faith by respondent or prejudice to petitioner. Nor does the Board find that respondent has abused its privilege of extensions.

In view thereof, respondent's motion to extend is granted to the extent that respondent is allowed until **March 27, 2012** in which to file and serve a **combined** response to petitioner's motion for discovery sanctions, as well as to petitioner's motion for summary judgment and motion to amend the pleadings,

not to exceed twenty-five pages in length in its entirety, including table of contents, index of case, description of the record, statement of the issues, recitation of facts, argument and summary.

A reply brief, if filed, is due in accordance with Trademark Rules 2.127(a) and (e).

Proceedings otherwise remain suspended pending the disposition of petitioner's combined motion (filed February 21, 2012) for summary judgment and for leave to amend the pleadings or alternative relief for discovery sanctions in the form of judgment.