UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

LuckyU Enterprises, Inc., dba Giovanni's Original White Shrimp Truck, Petitioner, **v.** **John "Giovanni" Aragona,** Respondent	Decision on Request for Extension of Time to Appeal under 37 C.F.R. § 2.145(e) Cancellation No. 92057023

MEMORANDUM AND ORDER

September 26, 2016, Respondent John "Giovanni" Aragona ("Respondent") filed a request for an extension of time of unspecified duration to file an appeal seeking judicial review of the decision of the Trademark Trial and Appeal Board in this matter, dated July 25, 2016, in which the Board granted petitions to cancel Respondent's Reg. Nos. 4248595, 4224400, 4220686, and 4232569, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). The request does not indicate whether opposing counsel has been served with a copy of the request.

Under 37 C.F.R. § 2.145(e), the Director may extend the time for filing an appeal or commencing a civil action seeking review of the above-captioned proceeding for good cause if the request is made in writing before the time for commencing such review proceedings expires. Under 37 C.F.R. § 2.145(d), the time for commencing review proceedings expires two months after the date of the Trademark Trial and Appeal Board's decision in the case. The Board decision at issue was mailed on July 25, 2016.

Two months from July 25, 2016, is September 25, 2016, which fell on a Sunday this year. Because this request was filed on the first business day after that deadline, it is timely.

Respondent, through its current counsel, states that the requested extension is needed, in part, because counsel has been hospitalized in connection with a medical procedure and is continuing to receive ongoing treatment related to the procedure. In addition, Respondent avers that he is in the process of retaining additional or substitute counsel in this matter and that such counsel will need time to review the file in order to advise Respondent concerning judicial review proceedings. It therefore appears that there is good cause for the requested extension of time to seek judicial review.

Accordingly, the request is GRANTED. Respondent has an additional thirty (30) days, through and including October 25, 2016, to seek judicial review of the Board's decision. Respondent is reminded to serve copies of any additional filing in the USPTO relating to this matter, and indicate such service on any such filing(s).

MICHELLE LEE,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

Date: September 28, 2016

By: _____
Nathan K. Kelley
Deputy General Counsel for Intellectual Property Law and Solicitor

cc: Denise DelGizzi (TTAB);

Daniel P Mullarkey, Esq., Polsinelli PC, (via email: dmullarkey@polsinelli.com, lcimino@polsinelli.com)