

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: August 21, 2004

Applicant: Negro Leagues Baseball Museum, Inc.  
Serial No.: 74614716  
Filed: 12/23/1994  
Mark: STL

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**Karen Kuhlke, Attorney:**

On July 15, 2004, the Board's order granting the June 30, 2004 request for extension of time to oppose on behalf of St. Louis Cardinals, L.P. inappropriately referenced the Trademark Rules which became effective on November 2, 2003.<sup>1</sup> Inasmuch as the first extension of time filed against this application occurred prior to November 2, 2003, requests for extensions of time filed against this application are not subject to the new rules. Therefore, the July 15, 2004 order is vacated to the extent that it was issued under the new rules. The order stands to the extent indicated below.

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<sup>1</sup> Rule 2.102 was amended to provide, *inter alia*, that no extensions beyond 180 days will be granted under any circumstances. However, a transitional rule provided that the November 2, 2003 amendment was only effective for any extension proceeding for which a first request to extend was filed on or after that date.

The record in the application file reveals that the mark was published for opposition purposes on June 11, 1996. Since that time, potential opposer has been granted numerous extensions of time to oppose, totaling approximately *eight* years, in which to conclude settlement or file an opposition.

An extension of time to oppose beyond 120 days from the date of publication may only be granted upon the consent of the applicant, or upon a showing of extraordinary circumstances. Trademark Rule 2.102(c).<sup>2</sup> However, the right to extend is not unlimited. *In re Universal Card Group Inc.*, 25 USPQ2d 1157, 1158 (Comm'r 1992).

While the circumstances potential opposer recounts may well suffice for a brief extension of time to oppose beyond one year, potential opposer has no right or reason to expect unlimited and indefinite extensions of time to oppose aggregating more than eight years. While the Board supports extra-judicial settlement of disputes, and is usually generous in allowing the parties to negotiate for such resolution, the Board will not maintain proceedings in a "holding pattern" indefinitely. The parties have had an extraordinary amount of time in these cases to resolve their differences. Given that settlement has not been reached in over eight years of negotiation, it would not appear that

further time for this purpose would be either useful or appropriate.

After careful consideration, the Board concludes that further extensions of time to oppose in this case is not warranted, notwithstanding applicant's consent or the circumstances recited by potential opposer. Nonetheless, it is believed that this final extension of time is appropriate to allow the parties to either conclude their settlement discussions, or for the potential opposer to file a notice of opposition. In view thereof, the June 30, 2004 request is granted and St. Louis Cardinals, L.P. is allowed until **9/28/04** in which to oppose the registration sought by applicant.

Potential opposer is advised that no further requests for extension of time to oppose will be granted.

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<sup>2</sup> Reference to Trademark Rule 2.102 is to that rule as amended October 9, 1998.