

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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June 27, 2023

In re Universal Display Corporation

Ex Parte Appeal No. 90357339

Nicole Thier, Paralegal Specialist:

On June 23, 2023, Appellant filed a request for an extension of 60 days to file its appeal brief because Appellant needs additional time to confer with the Trademark Examining Attorney in hopes to put the case in condition for allowance, but Appellant failed to demonstrate any extraordinary circumstances for its request as required in the Board's previous order. 13 TTABVUE.¹

Section 1203.02(d) of the TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("TBMP") provides the following explanation about good cause and requests for extensions of time:

The determination of good cause will be based upon all relevant circumstances, including the length of time of any previously granted extensions and the reason(s) for the requested extension(s). Thus, a reason such as the press of other business, which may be sufficient to show good cause for a first extension of thirty days, may not be sufficient for a second extension of time. Depending on the totality of the circumstances, good cause has been found when there has been an appointment of a new attorney, illness, the need to get instructions from a foreign applicant, and attempting to negotiate a consent agreement.

¹ Appellant's filing contained the same reasons provided in prior requests with no new showing of an extraordinary reason for needing additional time.

Insofar as Appellant has not demonstrated good cause for an extension, Appellant is allowed until ten (10) days from the date of this order to file an amended request that sets forth a showing of extraordinary circumstances. In the absence of an adequate response with extraordinary circumstances, the request for an extension will be denied and the appeal will be dismissed for failure to file a timely brief. *See* Trademark Rule 2.142(b)(1) and TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 1203.02(a).

Proceedings are otherwise suspended.