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

DUNN
Mailed: September 1, 2006

Opposition No. 91124742
Opposition No. 91124758

INTUIT, INC.

v.

INTERLINK ELECTRONICS, INC.

Elizabeth A. Dunn, Attorney:

This case comes before the Board on applicant's motion to extend trial periods in this consolidated proceeding, filed June 28, 2006. The motion has been fully briefed.

On January 30, 2006, following a period of suspension for settlement negotiations, the Board resumed proceedings and reset opposer's trial period to close April 30, 2006 and applicant's trial period to close June 29, 2006.

In support of its motion to extend trial periods for thirty days from the date the Board rules on this motion, applicant alleges that for five years all signs indicated that the parties would settle this matter; that in late April applicant was advised that no settlement was possible; that on May 1, 2006, opposer filed its notices of reliance;

that applicant had not been expecting to litigate this matter; and that the period before its trial period closed was insufficient for applicant to compile relevant information regarding its use of the challenged marks; that applicant unsuccessfully sought opposer's consent to extension; that the break in negotiations so close to trial was unexpected; that opposer will suffer no prejudice from the extension; and that applicant thus has demonstrated good cause for extension.

In its opposition to extension, opposer contends that applicant was advised by the Board's resumption order of the imminence of trial, and that the ongoing negotiations thus did not excuse applicant's lack of diligence in preparing to defend its applications.

The standard for allowing an extension of a prescribed period prior to the expiration of that period is "good cause." *See* Fed. R. Cir. P. 6(b) and TBMP §509 (2nd ed., rev. 2004). 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., Hewlett-Packard Co. v. Olympus Corp.*, 931 F.2d 1551, 18 USPQ2d 1710 (Fed. Cir. 1991); *Chesebrough-Pond's Inc. v. Faberge, Inc.*, 618 F.2d 776, 205 USPQ 888 (CCPA 1980); and *American Vitamin Products, Inc. v. DowBrands Inc.*, 22 USPQ2d

1313 (TTAB 1992). After review of the parties' arguments, the Board finds that applicant has not been dilatory in seeking the extension, that applicant has not abused the privilege of extensions, and that opposer has indicated no specific prejudice, and we find none, which would result from the extension. In view thereof, the Board finds that these circumstances constitute good cause for the extension sought. Applicant's motion to extend is hereby granted.

Notwithstanding the grant of applicant's motion and the reset trial periods that follow, the trial evidence submitted after applicant's motion to extend was filed was timely submitted under the schedule which was then operative, and need not be re-submitted.

DISCOVERY PERIOD TO CLOSE:	**CLOSED**
Thirty-day testimony period for party in position of plaintiff to close:	**CLOSED**
Thirty-day testimony period for party in position of defendant to close:	**September 22, 2006**
Fifteen-day rebuttal testimony period to close:	**November 6, 2006**

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