

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

Mailed: April 16, 2007

Opposition No. 91172228

Master Lock Company LLC

v.

Eidsmore, Thomas P.

Linda Skoro, Interlocutory Attorney

This case now comes up on opposer's motion to extend discovery, filed March 23, 2007. As good cause for the extension of the discovery period, opposer states that more time is needed to complete discovery due to the unsuccessful conclusion of settlement negotiations and to conduct follow-up discovery. Applicant has opposed the motion contending that it will be prejudiced by the continued delay; and that it has already agreed to numerous extensions.

We believe that an extension of the periods is warranted. The standard for allowing an extension of a prescribed period prior to the expiration of that period is good cause. Fed. R. Civ. P. 6(b)(1). Further, the Board ordinarily is liberal in granting extensions before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions has not been abused. While it is not clear why petitioner did not get any discovery

out earlier and failed to determine that settlement was not viable during the earlier periods, it also clear that opposer is now ready to proceed. Opposer has shown good cause sufficient to justify an extension of the discovery and testimony periods for both parties.

The motion to extend discovery is granted and dates are reset as indicated below. Opposer is advised that any further unconsented extensions will require a full explanation before it will be considered by the Board.

DISCOVERY PERIOD TO CLOSE:	<b>7/15/2007</b>
30-day testimony period for party in position of plaintiff to close:	<b>10/13/2007</b>
30-day testimony period for party in position of defendant to close:	<b>12/12/2007</b>
15-day rebuttal testimony period to close:	<b>1/26/2008</b>

**IN EACH INSTANCE**, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party **WITHIN THIRTY DAYS** after completion of the taking of testimony. Rule 2.125.

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.