

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

Mailed: January 14, 2011

Opposition No. 91190642

Constellation Wines U.S., Inc.

v.

ASV Wines, Inc.

Ann Linnehan, Interlocutory Attorney:

This case now comes up for consideration of opposer's motion (filed December 29, 2010) to extend its time to respond to applicant's motion for sanctions (filed December 10, 2010). The motion is fully briefed.

The standard for allowing an extension of a prescribed period prior to the expiration of that period is good cause. See Fed. R. Civ. P. 6(b)(1); TBMP Section 509.01 (2d 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., *American Vitamin Products, Inc. v. Dow Brands Inc.*, 22 USPQ2d 1313 (TTAB 1992). Further, the press of other litigation may constitute good cause for an extension. See *Societa Per Azioni Chianti Ruffino Esportazione Vinicola*

Toscana v. Colli Spolentini Spoletoducale SCRL, 59 USPQ2d 1383, 1383-84 (TTAB 2001).

After reviewing the parties' arguments and keeping in mind the Board's liberal application of the Rule 6(b) standard, the Board finds that the circumstances herein are appropriate for granting opposer's motion to extend time to file and serve a response to applicant's pending motion. In particular, the Board finds that the fact that the attorney primarily responsible for handling the case was severed from opposer's counsel's firm and the trial schedule of the attorney now responsible for handling the case constitutes good cause for granting the extension sought. In addition, the Board finds that there is no evidence of negligence or bad faith on the part of opposer, that opposer has not abused the privilege of extensions, and that applicant has pointed to no specific prejudice beyond a brief delay in the resolution of its motion for sanctions.

In view thereof, opposer's motion to extend time is granted. Opposer is allowed until January 21, 2011 to respond to applicant's pending motion.

Proceedings herein are suspended retroactive to the filing of applicant's motion for sanctions. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).