

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

BLAST BLOW DRY BAR, LLC,

Opposer

v.

BLOWN AWAY, LLC,

Applicant

Decision on Third Request for Extension of
Time to Appeal under 37 C.F.R. § 2.145(e)

Opposition No. 91204769

MEMORANDUM AND ORDER

On June 26, 2014, Applicant Blown Away, LLC (“Applicant”) filed a third request for an extension of time of no fewer than sixty (60) days to file either an appeal to the United States Court of Appeals for the Federal Circuit under section 21(a) of the Lanham Act, 15 U.S.C. § 1071(a), or commence a civil action under section 21(b), 15 U.S.C. § 1071(b), seeking review of the decision of the Trademark Trial and Appeal Board, dated January 2, 2014, in this matter. Applicant has previously been granted two sixty days (60) extensions of time to file an appeal or commence a civil action. The second extension of time expired on July 1, 2014.

This request for an extension of time was filed pursuant to 37 C.F.R. § 2.145(e)(1) which states:

The Director may extend the time for filing an appeal or commencing a civil action (1) for good cause shown if requested in writing before the expiration of the period for filing an appeal or commencing a civil action

Because this further extension request was submitted before the expiration of the initial extension period, the good cause standard applies. Further, Applicant, through its

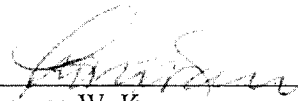
current counsel, states that good cause for the extension “is shown in that Applicant’s new counsel and counsel for Opposer are involved in active negotiations to determine whether this matter can be settled.” The request is also unopposed. It therefore appears that there is good cause for the third requested sixty (60) day extension of time to appeal.

Accordingly, the request is GRANTED. Applicant has an additional sixty (60) days, through and including August 30, 2014, to seek review of the Board’s decision.

MICHELLE LEE,
DEPUTY UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL
PROPERTY AND DEPUTY DIRECTOR
OF THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Date: July 15, 2014

By: _____



Thomas W. Krause
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