

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

Mailed: May 6, 2008

Cancellation No. 92045795

Andre Fischer and Bobby Jan
Watson

v.

Tony Maiden

Ann Linnehan, Attorney

This case now comes up for consideration of opposers' motion (filed March 14, 2008¹) to extend their time to respond to applicant's motion (filed January 28, 2008) for relief from final judgment. Applicant has filed a brief in response.

The Board has carefully considered the arguments of both parties with regard to this motion. However, an exhaustive review of those arguments herein would only serve to delay the Board's disposition of this matter.

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

¹ The Board notes the February 19, 2008 filing of opposers' first motion to extend. Inasmuch as the Board did not act on this motion within the period of time requested, the Board deems this motion moot but has considered the arguments therein.

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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).

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 opposers' motion to extend time to file and serve a response to applicant's motion for relief from final judgment. In particular, the Board finds that inasmuch as applicant's motion was served on opposers' former counsel (whom they no longer retain), that proceedings had been terminated for nearly a year, and that opposers need time to retain new counsel, good cause exists for granting the extension sought. In addition, the Board finds that there is no evidence of negligence or bad faith on the part of opposers, that opposers have not abused the privilege of extensions, and that applicant has pointed to no specific prejudice beyond a brief delay in the resolution of its outstanding motion.

In view thereof, opposers' motion to extend time is granted. Opposers are allowed **thirty days** from the date set forth in the caption of this order to file a brief in response to applicant's motion for relief from final

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judgment.

Proceedings herein are otherwise suspended retroactive to pending motion for leave from judgment. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.117(c). The motion for relief from final judgment will be decided in due course.