UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 18, 2024

In re Utility Associates, Inc.

Ex Parte Appeal No. 97068689

LaTricia Harrison, Paralegal Specialist:

On January 15, 2024, Appellant filed a subsequent request for an extension of **30 days** to file its appeal brief. Appellant submitted the required fee. *See* Trademark Rule 2.6(a)(18)(iv)-(v), 37 C.F.R. § 2.6(a)(18)(iv)-(v). In its request, Appellant argues that there is good cause for an extension because additional time is needed to work towards a coexistence agreement to obviate the section 2d refusal.

Section 1203.02(d) of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP") provides the following explanation about good cause and requests for extensions of time:

> The determination of good cause will be based upon all relevant circumstances, including the length of time of any previously granted extensions and the reason(s) for the requested extension(s). Thus, a reason such as the press of other business, which may be sufficient to show good cause for a first extension of thirty days, may not be sufficient for a second extension of time. Depending on the totality of the circumstances, good cause has been found when there has been an appointment of a new attorney, illness, the need to get instructions from a foreign applicant, and attempting to negotiate a consent agreement.

Insofar as Appellant has demonstrated good cause based on the totality of the circumstances, Appellant's request is approved and Appellant is allowed until **February 17, 2024** to file its appeal brief. *See* TBMP § 1203.02(d).