

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

In re Taylor) Decision on Request
Application Serial No. 14/096,000) under 37 C.F.R. § 90.3(c)(i)
_____)

MEMORANDUM AND ORDER

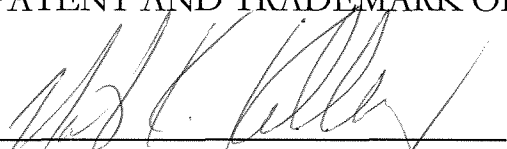
Applicants Randy and Bobby Taylor (Taylor) filed a “Supplemental Request” seeking 30 additional days “to file a request for rehearing or a Notice of Appeal pursuant to 35 U.S.C. 142” in the ’000 application. Taylor filed the Supplemental Request with the USPTO electronically (via EFS on March 26, 2018) and by mail (with the Office of the Solicitor, postmarked March 27, 2018). The Board issued its decision on January 22, 2018, making Taylor’s appeal notice due on or before March 26, 2018. Under these facts, the Director¹ treats the Supplemental Request as one to extend the time for filing an appeal under the “good cause” standard at 37 C.F.R. § 90.3(c)(i). The Supplemental Request states that the applicants are elderly and have had recent health problems, necessitating the additional time to evaluate whether to file an appeal. The Director finds good cause exists to grant the requested extension on the appeal deadline. Since Rule 90 governs only extensions of time for appealing a Board decision, this extension does not apply to any request for rehearing under 37 C.F.R. § 41.52. *See* 37 C.F.R. §§ 90.3, 41.50, 41.52, and 1.136.

¹ Decisions on requests for additional time pursuant to Rule 90 have been delegated to the Solicitor. *See* MPEP § 1002.02(k)(3).

ORDER

Upon consideration of the Request, it is ORDERED that the Request is granted. Taylor's deadline to file a notice of appeal to the United States Court of Appeals for the Federal Circuit in the '000 application is extended 30 days from the date of this Order, making the notice of appeal due on or before May 10, 2018.

ANDREI IANCU
UNDERSECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE


By: Nathan K. Kelley
Deputy General Counsel for Intellectual
Property Law and Solicitor

DATE: April 10, 2018

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