

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

In re Modern Woodmen of America,)	
Application No. 77/308,822)	Decision on Request
Mark: MODERN WOODMEN)	Under 37 C.F.R. § 2.145(e)
GENERAL AGENCY)	
)	
TTAB Decision Mailed May 7, 2012)	
_____)	

DECISION GRANTING REQUEST FOR EXTENSION OF TIME
TO COMMENCE JUDICIAL REVIEW

On July 6, 2012, Applicant, Modern Woodmen of America, submitted a Petition to the Director Under Trademark Rule 2.146 to Reopen Prosecution to Consider Mutual Use Agreement. In the event the Petition was denied, the Petition included a request pursuant to 37 C.F.R. § 2.145(e) for a two month extension of time running from the date of the decision on the Petition to commence judicial review of the May 7, 2012 decision of the Trademark Trial and Appeal Board (TTAB) in the above application. The Petition was denied in a decision dated September 28, 2012. The Petition decision explained that the extension request was being forwarded to the USPTO Office of the Solicitor for consideration of the request. For the reasons discussed below, the request for extension of time is GRANTED for two months from the date of this decision on the extension request.

The Director may extend the time for commencing judicial review of a TTAB decision for good cause shown if requested in writing before the expiration of the period for commencing judicial review. 37 C.F.R. § 2.145(e)(1). The period for commencing judicial review is two

months from the date of the TTAB decision. 37 C.F.R. § 2.145(d)(1). The TTAB decision issued on May 7, 2012, and Applicant filed its request on July 6, 2012 seeking to preserve its ability to seek review of the TTAB decision if the Petition to reopen prosecution was denied. Because Applicant's request is timely and contains a sufficient showing of good cause for the requested extension, Applicant's request is GRANTED. Applicant's time to file an appeal or civil action under 15 U.S.C. § 1071 is extended for a period of two (2) months from the date of this decision.

Date: November 20, 2012

By: 
Raymond T. Chen
Solicitor

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