

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR**

**In re SAN MIGUEL PURE
FOODS COMPANY, INC.,**

Applicant.

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

Application Serial No. 87/211,889

MEMORANDUM AND ORDER

On January 31, 2019, Applicant San Miguel Pure Foods Company, Inc. (“Applicant”), filed a request for an extension of time of fourteen (14) days within which to appeal the November 29, 2018 decision of the Trademark Trial and Appeal Board affirming the refusal to register the mark in Application Serial No. 87/211,889. The request is GRANTED for the reasons set forth below.

Under 37 C.F.R. § 2.145(e)(1)(i), the Director may extend the time to appeal a Board decision for good cause if the request is made in writing before the period for filing a notice of appeal expires. Under 37 C.F.R. § 2.145(d), the period for filing a notice of appeal expires sixty-three (63) days from the date of the final decision of the Board. The Board’s final decision was mailed on November 29, 2018, making the filing of any appeal challenging such decision due no later than January 31, 2019. Accordingly, this request for an extension of time is timely and considered under the good cause standard.

Counsel for Applicant avers that the Applicant is prosecuting this application through counsel in the Philippines who directs U.S. counsel. U.S. counsel avers that it

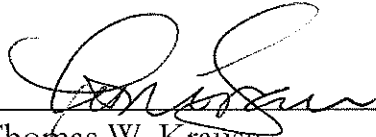
inadvertently delayed transmitting the TTAB decision to counsel in the Philippines.

As a result, Applicant needs additional time to evaluate the merits of the TTAB's decision affirming the denial and the probability of success on appeal.

The Director finds that there is good cause for the requested fourteen (14) day extension of time to file a notice of appeal. Accordingly, the request for extension of time is GRANTED. Applicant has an additional fourteen (14) days from January 31, 2019 (*i.e.*, through and including February 14, 2019), within which to appeal the Board's decision.

ANDREI IANCU,
*Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and
Trademark Office*

Date: February 6, 2019

By: 
Thomas W. Krause
Deputy General Counsel for Intellectual
Property Law and Solicitor

Service via email to:
Michael T. Smith (michael.t.smith@bskb.com, mailroom@bskb.com)