

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR

In re Devo, Inc.,

*Applicant.*

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

Appls. Ser. Nos. 87/904,202

MEMORANDUM AND ORDER

On January 27, 2022, Applicant, Devo, Inc., filed a request for an extension of time within which to seek judicial review of the Trademark Trial and Appeal Board's November 29, 2021, final decision in this case. Applicant does not specify how long an extension it seeks. As explained below, the request is GRANTED and the date to seek judicial review is extended thirty (30) days.

37 C.F.R. § 2.145(d) provides a disappointed applicant "sixty-three (63) days from the date of the final decision of the Trademark Trial and Appeal Board" within which to seek judicial review under either 15 U.S.C. § 1071(a) (appeal) or § 1071(b) (civil action). If a written request for an extension is filed before the period in section 2.145(d) expires, the Director assesses the request under the good cause standard. 37 C.F.R. § 2.145(e)(i). If the request is filed after the expiration of the time for seeking judicial review, the Director assesses it under the more stringent excusable neglect standard. 37 C.F.R. § 2.145(e)(ii). The Board's final decision was mailed on November 29, 2021, making the filing of any appeal or of any civil action seeking judicial review of such decision due no later than January 31, 2022. Accordingly, this

request for an extension of time is timely and the Director will assess whether Applicant has met the good cause standard.

In its request, Applicant states that the reasons for the requested extension are the “workload of Applicant’s counsel including a trial scheduled in January 2022 in which Applicant’s counsel’s firm was lead counsel, an illness to Applicant’s counsel, and the time for filing an appeal falling over the holidays.”

Based on these representations, there is good cause to extend the time within which to seek judicial review. Accordingly, the request for extension of time is GRANTED for an additional thirty (30) days, through and including March 2, 2022.

ANDREW HIRSHFELD,

*Performing the functions and duties of the Under  
Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark  
Office*

Date: January 31, 2022

By: /s/ Farheena Y. Rasheed  
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