

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR

*In re* Samsung Electronics Co., Ltd.

Applicant.

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

Serial No. 90127492  
Mark: SAMSUNG DIAMOND  
PIXEL

MEMORANDUM AND ORDER

On December 11, 2023, Applicant, Samsung Electronics Co., Ltd., filed a third request for an extension of time to seek judicial review of the June 1, 2023 final decision of the Trademark Trial and Appeal Board (Board). Applicant filed its third request before the expiration of the January 2, 2024 deadline, as extended by the Director's October 10, 2023 order, which granted Applicant's second request for an extension of time to seek judicial review. The third request is therefore timely and considered under the good cause standard. 37 C.F.R. § 2.145(d)(1).

In the October 10, 2023 order, the Director granted the extension of time based on Applicant's explanation that its decision to seek review of the final decision affirming the refusal under Trademark Act Section 2(d) to register Applicant's application, depended on the outcome of pending cancellation proceeding, Cancellation No. 92082959, initiated to cancel the registration cited as a bar to registration of Applicant's application. Additionally, Applicant was informed that it

may request additional extensions of time to seek judicial review of the Board’s June 1, 2023 final decision based on the status of and developments in the cancellation proceeding.

Applicant’s third request explains that the Board suspended the cancellation proceeding, pending service by publication in the November 7, 2023 Official Gazette. Applicant notes that respondent was given thirty days to enter an appearance, but that respondent took no action during that period. Applicant indicates that it therefore “expects the [Board] to enter a favorable decision” in the cancellation proceeding, which would make judicial review of the June 1, 2023 final decision unnecessary. *See* Req. at 2.

Based on Applicant’s representations regarding the developments in and status of the cancellation proceeding, there is good cause for the requested ninety (90) day extension of time. Accordingly, the request is GRANTED. Applicant has an additional 90 days, through and including April 1, 2024, within which to seek judicial review or request a further extension of time.

KATHERINE K. VIDAL,  
Under Secretary of Commerce for Intellectual  
Property and Director of the United States  
Patent and Trademark Office

Date: December 20, 2023

By: /s/ Farheena Y. Rasheed  
Farheena Y. Rasheed  
Acting Solicitor

cc (via e-mail) to: Counsel of record as listed in TTABVUE