

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR

BLAST BLOW DRY BAR, LLC,

Opposer

v.

BLOWN AWAY, LLC,

Applicant

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

Opposition No. 91204769

MEMORANDUM AND ORDER

On February 26, 2014, Applicant Blown Away, LLC (“Applicant”) filed a request for an extension of time of no fewer than sixty (60) days to file either an appeal to the United States Court of Appeals for the Federal Circuit under section 21(a) of the Lanham Act, 15 U.S.C. § 1071(a), or commence a civil action under section 21(b), 15 U.S.C. § 1071(b), seeking review of the decision of the Trademark Trial and Appeal Board, dated January 2, 2014, in this matter.

Under 37 C.F.R. § 2.145(e), the Director may extend the time for filing an appeal for good cause if the request is made in writing before the time for filing an appeal expires. Under 37 C.F.R. § 2.145(d), the time for filing a notice of appeal expires two months after the date of the Trademark Trial and Appeal Board’s decision in the case. The Board decision at issue was mailed on January 2, 2013, so this request for an extension of time to appeal that ruling is timely.

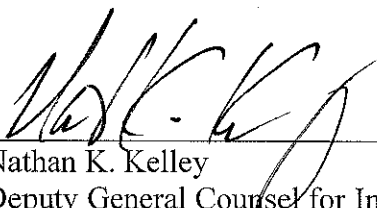
Further, Applicant, through its current counsel, states that it is in the process of retaining new counsel to evaluate, and possibly prosecute, a potential appeal or civil

action under section 1071. It therefore appears that there is good cause for the requested sixty (60) day extension of time to appeal.

Accordingly, the request is GRANTED. Applicant has an additional sixty (60) days, through and including May 2, 2014, to seek review of the Board's decision.

MICHELLE LEE,  
DEPUTY UNDER SECRETARY OF  
COMMERCE FOR INTELLECTUAL  
PROPERTY AND DEPUTY DIRECTOR  
OF THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Date: February 28, 2014

By:   
Nathan K. Kelley  
Deputy General Counsel for Intellectual  
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