

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

Disney Enterprises, Inc.,

Opposer,

v.

**United Trademark Holdings,
Inc.,**

Applicant

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

Opposition Nos. 91221648 & 91224985

Appl. Ser. Nos. 85/833,851 &
86/533,016

MEMORANDUM AND ORDER

On August 9, 2020, Applicant/Defendant United Trademark Holdings, Inc. (“Applicant”), filed a request to extend the time to file a notice of appeal to the United States Court of Appeals for the Federal Circuit of a decision of the Trademark Trial and Appeal Board, dated June 8, 2020, sustaining the above-captioned opposition proceeding. Applicant’s request seeks a 90-day extension. For the reasons set forth below, the Director grants Applicant’s request, but only for a 60-day extension.

Under 37 C.F.R. § 2.145(e)(1)(i), the Director may, for good cause, extend the time for taking an appeal of a Board decision if the request is made in writing before the period for taking such 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 June 8, 2020,

making the filing of a notice of appeal due no later than August 10, 2020.

Accordingly, this request for an extension of time was timely filed. The Director therefore will consider it under the good cause standard.

Applicants' attorney states:

Applicant submits that good cause for an extension of time for appeal to the U.S. Court of Appeals for the Federal Circuit exists due to the global disruption currently being experienced because of COVID-19, especially in Italy and the United States, is an extraordinary circumstance that warrants granting a 90-day extension of the appeal deadline. Applicant's business is both domestic and international, with licensees around the world. In fact, two of Applicant's licensees are located in Northern Italy, which was and continues to be hit very hard with coronavirus global pandemic and ensuing lockdowns and related measures. In addition, Applicant is headquartered in California, which has been under a state of emergency per orders of the Governor since March 4, 2020. As such, Applicant's business has been significantly interrupted by the coronavirus outbreak in several ways. Large portions of the world continue to either be closed or operate at limited capacity as coronavirus cases begin to spike again in regions of the United States and abroad.

In response to the disruption and diversion of resources caused by the COVID-19 worldwide pandemic, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Pursuant to the CARES Act, and in recognition of COVID-related hardships imposed on participants in USPTO proceedings, the USPTO issued a series of Notices announcing extension of

deadlines for many types of filings. *See, e.g.*, March 31, 2020 Notice* (extending several deadlines by 30 days). And the Director has also previously granted three COVID-related extensions of time under the good cause standard to seek judicial review of TTAB decisions of 60, 60, and 61 days (60 days fell on a weekend in that case). Accordingly, the Director finds that, while there is good cause for a 60-day extension, a 90-day extension is not warranted upon the circumstances set forth in the Applicant's request here.

The Director grants Applicant a sixty (60) day extension of time, from the date of this order, to file a notice of appeal of the Board's June 8, 2020, Order.

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

Date: August 13, 2020

By: /s/ Thomas W. Krause
THOMAS W. KRAUSE
Deputy General Counsel for Intellectual
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* Available at <https://www.uspto.gov/sites/default/files/documents/Patents-Notice-CARES-Act-2020-03.pdf>.