

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

All Heart Homecare, LLC,

Opposer,

v.

Eric Barth and Ryan Ines,

Applicants

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

Opposition No. 91238457

Appl. Ser. No. 87/528,799

MEMORANDUM AND ORDER

On June 4, 2020, Applicants/Defendants Eric Barth and Ryan Ines (“Applicants”), filed a request to extend the time to commence an “appeal by civil action” (*sic*) of a decision of the Trademark Trial and Appeal Board, dated April 6, 2020, sustaining the above-captioned opposition proceeding. The request is GRANTED for the reasons set forth below.

Under 37 C.F.R. § 2.145(e)(1)(i), the Director may, for good cause, extend the time for either taking an appeal of, or filing a civil action challenging, a Board decision if the request is made in writing before the period for taking such appeal or filing such civil action expires. Under 37 C.F.R. § 2.145(d), the period for filing a notice of appeal or commencing a civil action expires sixty-three (63) days from the date of the final decision of the Board. The Board’s final decision was mailed on April 6, 2020, making the filing of a notice of appeal or the commencing of a

civil action challenging such decision due no later than June 8, 2020. Accordingly, this request for an extension of time was timely filed and will be considered under the good cause standard.

Applicants' attorney avers:

Applicants request this brief extension of time because both the various shelter in place orders recently issued through southern California due to the covid-19 pandemic and the recent curfews issued in response to the protests and civil unrest in the wake of the death of George Floyd have severely disrupted daily life and made it difficult for Applicants to consult with their attorney and otherwise adequately prepare to proceed with their [civil action under 15 U.S.C. § 1071(b)].

The Director finds that there is good cause for the requested sixty (60) day extension of time. Accordingly, the request for extension of time is GRANTED.

The Director will allow Applicants an additional sixty (60) days from the date of this order, within which to file a notice of appeal or to commence a civil action.

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

Date: July 9, 2020

By: /s/ Thomas W. Krause
THOMAS W. KRAUSE
Deputy General Counsel for Intellectual
Property Law and Solicitor

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