

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

Mystery Ranch, Ltd.,

Opposer,

v.

Terminal Moraine, Inc.,

Applicant.

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

Opposition No. 91250565

MEMORANDUM AND ORDER

On January 28, 2023, the two parties to this opposition proceeding jointly filed a request for a thirty (30)-day extension of time of within which to seek judicial review of the Trademark Trial and Appeal Board's November 30, 2022, final decision in this case. 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 to seek judicial review of a Board decision if the request is made in writing before the period for seeking judicial review expires. Under 37 C.F.R. § 2.145(d)(1), the period for seeking judicial review by filing a notice of appeal or civil action under 15 U.S.C. § 1071 expires sixty-three (63) days from the date of the final decision of the Board. The Board's final decision was mailed on November 30, 2022, and 63 days from that date is February 1, 2023. Because the parties filed this request before the expiration of the February 1, 2023, deadline to seek judicial review, it is timely and will be considered under the good cause standard.

The request states that the parties are “in active settlement discussions, requiring time to consider the proposals and for board approval.” The request further states that “[w]hile the parties are engaging in the settlement discussions in good faith, they would like to preserve the option to appeal in the event that they are not able to reach resolution.”

Based on these representations, there is good cause for the requested thirty (30) day extension of time. Accordingly, the request is GRANTED. The parties have an additional thirty (30) days from February 1, 2023, through and including March 3, 2023, within which to seek judicial review.

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

Date: February 3, 2023

By: /Thomas W. Krause/
THOMAS W. KRAUSE
Solicitor

Cc (via email): counsel of record as listed in TTABVUE