

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

PLAY'N GO MARKS LTD.,

Opposer,

v.

WEMADE CO., LTD.

Applicant.

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

Opposition No. 91263567
Mark: WEMIX – Appl. Ser. No.
88/488,274

MEMORANDUM AND ORDER

On April 27, 2023, the Applicant in this opposition, Wemade Co., Ltd. (Applicant), filed a request for an extension of time to commence proceedings seeking judicial review of the March 1, 2023, decision of the Trademark Trial and Appeal Board (TTAB) sustaining Opposer's opposition under Trademark Act Section 2(d) to registration of Applicant's mark as to certain classes in the application. The request asks for an extension of sixty (60) days, through and including July 3, 2023, to commence judicial review pursuant to 15 U.S.C. § 1071.

Applicant's request, which was filed on Applicant's behalf by a law firm different from the firm that represented Applicant before the TTAB, states:

Wemade needs additional time given the inherent delays of foreign parties working with and seeking advice from counsel in the U.S. Wemade may also retain Fenwick & West LLP, as new counsel for its appeal, thus counsel needs the additional time to get up to speed on this matter.

Under 37 C.F.R. § 2.145(e), the Director may, for good cause, extend the time to appeal, if the request is made in writing before the time for filing such appeal expires. Under 37 C.F.R. § 2.145(d)(1), the time to seek judicial review expires sixty-three (63) days after the date of the Board decision at issue. The Board decision issued on March 1, 2023, and therefore any request for extension of time is due on or before May 3, 2023. Thus, Applicant's April 27 request for extension of time is timely.

Further, Applicant states that it needs the additional time in order for different counsel to get up to speed on the case and for Applicant and possible new counsel to decide if new counsel will represent Applicant in any judicial review proceedings. Applicant also notes it is a foreign party and that this creates communication delays. It therefore appears that there is good cause for the requested extension.

Accordingly, the request is GRANTED. Applicant may have an additional sixty (60) days from the date of this order within which to commence judicial review proceedings. Because the 60th day falls on a Sunday, that deadline shall be Monday, July 3, 2023.

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

Date: May 1, 2023

By: /s/ Thomas W. Krause
Thomas W. Krause
Solicitor

cc (via E-mail) to: counsel of record as listed in TTABVUE as of 2023-04-27