

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  
Ser. No. 88/488,274

MEMORANDUM AND ORDER

On July 31, 2023, the two parties to this opposition proceeding jointly filed a third request for an extension of time, through and including September 1, 2023, within which to seek judicial review of the Trademark Trial and Appeal Board's March 1, 2023, final decision in this opposition. The Applicant in this opposition, Wemade Co., Ltd., previously was granted a sixty (60) day extension of the deadline to seek judicial review until July 3, 2023. On June 27, 2023, before the expiration of the extended deadline, the parties jointly filed a second request for an extension of time of thirty (30) days, through and including August 2, 2023, that inadvertently was not acted on before the submission of the parties' third request. This order addresses both the second and third requests for extensions of time and grants them for the reasons discussed below.

Under 37 C.F.R. § 2.145(e), the Director may, for good cause, extend the time to seek judicial review of a final Board decision if the request is made in writing before the time for seeking judicial review expires. The joint second request for extension of time

was filed on June 27, 2023, before the July 3, 2023 deadline, and therefore is timely. The request states that the parties need the additional time because “they have been working towards reaching a resolution of their dispute” and due to “the inherent delays of foreign parties working with and seeking advice from counsel in the U.S.” The recited reasons suffice to show good cause for the requested 30-day extension. Because the request is timely and good cause has been shown, the second request is GRANTED.

The third request was filed on July 31, 2023, before the expiration of the August 2, 2023 deadline requested in the second extension. Given the grant of the second extension, the third request is deemed timely. The third request recites the same reasons for requesting the additional 30-day extension as the second request. The generalized assertions of working towards resolution and delays inherent in a foreign party working with U.S. counsel are deemed sufficient to show good cause for the third 30-day extension of the deadline to seek judicial review, and therefore the third request also is GRANTED. However, if any of the parties request a further extension of the deadline to seek judicial review of the Board’s decision beyond the 120 days granted to date, they should provide in the request a more detailed showing of good cause that explains the efforts to resolve the dispute, the status of those efforts including whether resolution is expected to be reached within the requested extension period, and the communication delays that require extending the deadline for the requested period of time.

Accordingly, the requests are GRANTED. Applicant has until September 1, 2023 to commence judicial review.

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

Date: August 4, 2023

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

cc (via email) to: counsel of record as listed in TTABVUE as of 2023-08-04