

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

HUGO BOSS TRADE MARK
MANAGEMENT GmbH & CO.,

Petitioner

v.

MICKEY A. GUTIER,

Registrant

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

Cancellation No. 92052549
Cancellation No. 92052550

MEMORANDUM AND ORDER

On February 19, 2013, Registrant Mickey A. Gutier (“Registrant”) filed a request for an extension of time to file an appeal to the United States Court of Appeals for the Federal Circuit. The request did not specify the amount of time requested, nor was there any indication whether Registrant served a copy of the request on counsel for the Petitioner in this matter.

Under 37 C.F.R. § 2.145(e), the Director may extend the time for filing an appeal for good cause if the request is made in writing before the time for filing an appeal expires. Under 37 C.F.R. § 2.145(d), the time for filing a notice of appeal expires two months after action on any timely-filed motion for reconsideration of the Trademark Trial and Appeal Board’s decision in the case. Since the Board denied Registrant’s motion for reconsideration on December 21, 2012, it appears that this request for an extension of time to appeal that ruling is timely.

Further, Registrant, who is acting *pro se*, indicates that the reason for the requested extension is that he is in the process of securing legal representation and has, as


yet, been unable to do so. It therefore appears that there is good cause for an extension of time to appeal.

Accordingly, the Director, through the undersigned, hereby GRANTS Registrant a thirty (30) day extension of time, through and including March 21, 2013, to file his notice of appeal to the Federal Circuit. While the Director will not prohibit Registrant from filing a request for a further extension of time, if Registrant chooses to do so, Registrant will be required: (1) to simultaneously serve any such further request upon counsel for Petitioner; (2) include in any such request a certification that such service was made; and (3) set forth in detail the actions that Registrant has taken to secure counsel for any appeal.

TERESA STANEK REA,
ACTING UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL
PROPERTY AND ACTING DIRECTOR
OF THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Date: February 21, 2013

By: _____


Raymond T. Chen
Solicitor

cc (via email) to:

Micky A. Gutier
PRESIDENT/CEO
XY Skin Care & Cosmetics LLC,
6137 North Central Avenue
Phoenix, AZ 85012
XYCosmetics@aol.com

Leon Medzhibovsky
DLA PIPER LLP US
500 8th Street, N.W.
Washington, DC 20004
leon.m@dlapiper.com