

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

HUGO BOSS TRADE MARK
MANAGEMENT GmbH & CO.,

Petitioner

v.

MICKEY A. GUTIER,

Registrant

Decision on Second 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 March 20, 2013, Registrant Mickey A. Gutier (“Registrant”) filed a second request for an extension of time to file an appeal to the United States Court of Appeals for the Federal Circuit. Registrant, who has previously been granted a thirty (30) day extension until March 21, 2013, requests an additional ninety (90) day extension. The stated reason is the same as in the first request: Registrant is attempting to, but so far has been unable to, secure legal representation for the appeal.

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. Since the current deadline to appeal is March 21, 2013, this second request is timely. Further, Registrant’s continuing search for legal representation constitutes good cause to seek an extension of time to appeal.

However, the requested extension is too long. Forty-six (46) more days should be sufficient in light of the prior extension.

Accordingly, the Acting Director, through the undersigned, hereby GRANTS IN PART Registrant's request, and hereby approves an additional forty-five (45) day extension of time, through and including Monday, May 6, 2013, to file a notice of appeal to the Federal Circuit. The Acting Director is unlikely to grant any further requests for extension in this matter.

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

Date: March 21, 2013

By: _____


Raymond T. Chen
Solicitor

cc (via email) to:

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