

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE ACTING DIRECTOR

HUGO BOSS TRADE MARK  
MANAGEMENT GmbH & CO.,

Petitioner

v.

MICKEY A. GUTIER,

Registrant

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

Cancellation No. 92052549

Cancellation No. 92052550

MEMORANDUM AND ORDER

Registrant Mickey A. Gutier (“Registrant”) has filed a third request to extend the time to appeal to the United States Court of Appeals for the Federal Circuit. The request does not specify the amount of time requested. All three of Registrant’s requests have recited that the additional time is needed to find legal representation for the contemplated appeal.

Background

On December 21, 2012, the TTAB denied Registrant’s motion to reconsider its decision canceling Registrant’s Registrations Nos. 2,909,091 and 2,921,574. On February 21, 2013, Registrant was granted a thirty (30) day extension of time to appeal and instructed to detail his efforts to secure representation in any further request. On March 20, 2013, Registrant filed a second request for an extension of time to file an appeal, asking for a ninety (90) day extension of time, reciting that he had met with several law firms but had not yet secured representation. On March 21, 2013, the Acting Director granted the request in part, extending the time to appeal by forty-six (46) days,

but warning Registrant that any further requests to extend the time to appeal were unlikely to be granted.

Registrant's third request not only does not specify the amount of time requested, it does not detail Registrant's efforts to obtain legal representation, other than to generally state that Registrant is "in the process" of seeking representation from an unspecified law school or law schools who participate in the USPTO's Law School Clinic Certification Pilot Program.

#### Decision

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 May 6, 2013, this third request is timely. However, Registrant was warned in the last Decision that any further requests were unlikely to be granted. Given that Registrant (1) has been granted two previous extensions of time, totaling approximately two and a half months, (2) has been warned that no further extensions were likely to be granted, and (3) has previously been instructed to detail his efforts to secure representation, the undersigned finds that Registrant's generalized statement that he is still "in the process" of securing legal representation does not constitute good cause for granting the requested extension under these circumstances.

Accordingly, the Acting Director, through the undersigned, hereby DENIES Registrant's third request for an unspecified extension of time to appeal. However, since this is the last day that Registrant may file its notice of appeal, the Acting Director will

allow Registrant until 11:59 P.M, EDT, May 20, 2013, to file a notice of appeal to the Federal Circuit, either *pro se* or through counsel, if Registrant secures representation.

No further extension of time will be granted 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: May 6, 2013

By: 

Raymond T. Chen  
Solicitor

cc (via email) to:

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