

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR**

**SONY MOBILE
COMMUNICATIONS INC.,**

Petitioner,

v.

VIZIO, INC.,

Respondent.

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

Cancellation No. 92070572

MEMORANDUM AND ORDER

On December 15, 2021, Petitioner Sony Mobile Communications Inc. (“Petitioner”), filed a request, with Respondent’s consent, for an extension of time of thirty (30) days within which to file a notice of appeal or commence a civil action seeking review of the Trademark Trial and Appeal Board’s July 20, 2021, final decision in this case. This is Petitioner’s fourth such consented request. The Director granted Petitioner’s previous requests for 30-day extensions on September 16, 2021, October 20, 2021, and November 18, 2021. The last order extended the deadline to December 20, 2021. Petitioner, again with Respondent’s consent, now seeks “a further 30-day extension of the deadline,” through and including January 19, 2022. The request is GRANTED for the reasons set forth below.

Under 37 C.F.R. § 2.145(e)(1)(i), the Director may, for good cause, extend the time to institute judicial review, under 15 U.S.C. § 1071, of a Board decision if the request is made in writing before the period for instituting judicial review expires. Because the Petitioner filed this fourth request before the expiration of the December 20, 2021, deadline established by the Director's November 18 order, it is timely and will be considered under the good cause standard.

Petitioner's requests have all stated that the parties are engaged in good-faith settlement discussions following the issuance of the TTAB's decision and need additional time for continued discussions that may resolve this matter without further litigation. And, as noted above, Petitioner indicates that Respondent, VIZIO, Inc., has consented to this request.

Based on these representations, the Director finds that there is good cause for the requested thirty (30) day extension of time, *nunc pro tunc*. Accordingly, the request is GRANTED. Petitioner has an additional thirty (30) days from December 20, 2021, through and including January 19, 2022, within which to seek judicial review.

ANDREW HIRSHFELD,
*Performing the Duties and Functions of Under Secretary
of Commerce for Intellectual Property and Director of the
United States Patent and Trademark Office,*

Date: December 27, 2021 By: /Farheena Y. Rasheed/
FARHEENA Y. RASHEED
Acting General Counsel

Cc (via email): counsel of record as listed in TTABVUE