

**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 January 14, 2022, 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 fifth such consented request. The Director granted Petitioner’s previous requests for 30-day extensions on September 16, 2021, October 20, 2021, November 18, 2021, and December 27, 2021. The last order extended the deadline to January 19, 2022. Petitioner, again with Respondent’s consent, now seeks “a further 30-day extension of the deadline,” through and including February 18, 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 commence judicial review, under 15 U.S.C. § 1071, of a Board decision if the request is made in writing before the period for commencing judicial review expires. Because the Petitioner filed this fifth request before the expiration of the January 19, 2022, deadline established by the Director's December 27, 2021, 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, there is good cause for the requested thirty (30) day extension of time. Accordingly, the request is GRANTED. Petitioner has an additional thirty (30) days from January 19, 2021, through and including February 18, 2022, within which to seek judicial review.

When the extension period granted by this order ends, the parties will have had essentially seven months from the date of the Board's decision to engage in settlement discussions and reach a settlement. If any further extensions of the deadline to seek judicial review of the Board decision will be sought based on ongoing settlement discussions, more information will need to be provided to evaluate whether good

cause for the extension exists, including a more particularized statement about the status of such discussions and how close the parties are to finalizing a settlement.

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: January 19, 2022

By: /Farheena Y. Rasheed/
FARHEENA Y. RASHEED
Acting Solicitor

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