

**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 February 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 sixth such consented request. The Director granted Petitioner’s previous requests for 30-day extensions on September 16, 2021, October 20, 2021, November 18, 2021, December 27, 2021, and January 19, 2022. The last order extended the deadline to February 18, 2022. Petitioner, again with Respondent’s consent, now seeks “a further 30-day extension of the deadline,” through and including March 20, 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 sixth request before the expiration of the February 18, 2022, deadline established by the Director's January 19, 2022, 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. Because there had been multiple prior requests, the Director's January 19 order directed that any future requests for extensions of time to seek judicial review of the Board's decision must provide a more particularized statement about the status of the parties' settlement discussions to evaluate whether good cause for the further extension exists. Petitioner's February 14 request provided such information.

Based on these representations, there is good cause for the requested thirty (30) day extension of time. Accordingly, the request is GRANTED. Because a 30-day extension would put the due date on Sunday, March 20, Petitioner has an additional thirty-one (31) days, through and including March 21, 2022, within which to seek

judicial review. The Director maintains the requirement that any future requests in this matter must provide information about the steps the parties took to advance settlement discussions during the then-existing extension period and the current status of those discussions.

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

Date: February 22, 2022

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

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