

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR

**Trevari Media, LLC,**

Petitioner

v.

**Laurent Colasse,**

Registrant

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

**Cancellation No. 92078038**

**Registration No. 4461245**

MEMORANDUM AND ORDER

On January 11, 2024, Registrant, Laurent Colasse, filed a request for a sixty-day extension of time to seek judicial review of the November 14, 2023 final decision of the Trademark Trial and Appeal Board (Board).<sup>1</sup> The request is DENIED for the reasons set forth below.

**Background**

Under 37 C.F.R. § 2.145(e)(1)(i), the Director may, for good cause, extend the time to seek judicial review of a Board decision under 15 U.S.C. § 1071 if the request is made in writing before the period for seeking judicial review expires. Under 37 C.F.R. § 2.145(d)(1), judicial review of a Board decision must be sought within sixty-three (63) days from the date of the final decision of the Board, making the deadline

---

<sup>1</sup> Although Registrant filed a motion for an extension pursuant to 37 C.F.R. § 2.145(d) with the Board, the motion is considered as a request to the Director for an extension under 37 C.F.R. § 2.145(e)(1).

January 16, 2024.<sup>2</sup> Registrant’s request is therefore timely and considered under the good cause standard. 37 C.F.R. § 2.145(d)(1).

Registrant requests an extension because “Mr. Colasse has been in France for much of the initial 60-day period,”<sup>3</sup> and “co-counsel Guy Cumberbatch is in Europe now.” Req. at 1. Registrant’s counsel explains that the nine-hour time difference between California, where counsel is located, and France, where registrant and Mr. Cumberbatch are located, “makes attorney-client discussions more difficult.” *Id.* Registrant’s counsel adds that Registrant “needs to consult with others in California” about the effect of the Board decision on his U.S. business and “may need the time to arrange discussions with them during the winter.” *Id.*

Petitioner opposes the request arguing that a time difference is insufficient to establish good cause for the extension. Specifically, petitioner asserts that even a nine-hour time difference time allows for “phone calls and video conferences,” given the length of the appeal period, and registrant and his counsel could have availed themselves of “email or other types of written electronic communication.” Opp. at 3.

### **Discussion**

The good cause standard, as it applies to requests for extensions of time, is a familiar one. It appears in both USPTO rules and the Federal Rules of Civil Procedure. *See, e.g.*, Fed. R. Civ. P. 4(m), 6(b)(1), 16(b)(4) & 31(a)(4). Generally, the

---

<sup>2</sup> The request for an extension of time misstated the deadline as January 13, 2024.

<sup>3</sup> The request for an extension of time misstated the period within which to seek judicial review.

party requesting an extension under the good cause standard must provide sufficient facts to allow a determination whether the request meets the standard. For example, the Trademark Board Manual of Procedure (TBMP) explains that requests to extend time “must set forth with particularity the facts said to constitute good cause for the requested extension; mere conclusory allegations lacking in factual detail are not sufficient.” TBMP § 509.01(a) (citations omitted). As the TTAB stated in a recent decision:

Generally, the Board is liberal in granting extensions of time before the specified period has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused. The moving party, however, retains the burden of persuading the Board that it was diligent in meeting its responsibilities and should therefore be awarded additional time. Moreover, a motion to extend must set forth with particularity the facts said to constitute good cause; cursory or conclusory allegations that are denied unequivocally by the non-movant, and that are not otherwise supported by the record, will not constitute a showing of good cause.

*Trans-High Corp. v. JFC Tobacco Corp.*, 127 USPQ2d 1175, 1177 (TTAB 2018) (citations and internal quotation marks omitted);<sup>4</sup> *see also Simio, LLC v. FlexSim Software Prod., Inc.*, 983 F.3d 1353, 2020 USPQ2d 11538, at \*11 (Fed. Cir. 2020) (“Satisfying [the good cause] standard requires the movant to show the scheduling deadlines [under Fed. R. Civ. P. 16] cannot be met despite the movant’s diligent efforts. . . . Ultimately, demonstrating good cause requires the movant to provide an adequate explanation for

---

<sup>4</sup> While a request to the Director to extend the time to seek judicial review of a Board decision is not technically a request to the Board, the Director agrees with the Board’s formulation of the good cause standard and applies it to timely requests under section 2.145(e)(i).

any delay.”) (citations omitted; cleaned up); *accord Bot M8 LLC v. Sony Corp. of Am.*, 4 F.4th 1342, 2021 USPQ2d 750, at \*12 (Fed. Cir. 2021); *O2 Micro Int’l Ltd. v. Monolithic Power Sys., Inc.*, 467 F.3d 1355, 80 USPQ2d 1769, 1775 n.10, 1777 (Fed. Cir. 2006).

Here, at the time of the request, Registrant and counsel had nearly two months to make the determination whether to seek judicial review, and the only reason given for failing to meet the filing deadline was the time difference between France and California. *See* Req. at 1-2. But, 37 C.F.R. § 2.145(d) reflects the USPTO’s judgment that, ordinarily, 63 days is sufficient time to make that determination. Registrant’s counsel presents only conclusory statements regarding the impact of the time difference on his ability to communicate with his client. And, the representations regarding what Registrant may need to do during the additional 60 days sought are mere conjecture. The request does not present any particular reason why Registrant could not meet the deadline for seeking judicial review. Therefore, the request does not “set forth with particularity the facts” to support good cause. *Trans-High Corp.*, 127 USPQ2d at 1177.

Although Registrant has not provided facts sufficient to establish good cause to grant the extension, the Director’s decision is being issued after January 16, 2024, the deadline to seek judicial review. Therefore, the Director grants a limited extension of time of three (3) business days to seek judicial review.

## Conclusion

The request for an extension under 37 C.F.R. §2.145(e) is DENIED, but a limited three-business-day extension to permit Registrant to prepare and file any appeal if desired is GRANTED. Registrant's deadline for seeking judicial review of the Board decision is extended to February 5, 2024.

KATHERINE K. VIDAL,  
Under Secretary of Commerce for Intellectual  
Property and Director of the United States  
Patent and Trademark Office

Date: January 31, 2024

By: /s/ Farheena Y. Rasheed  
Farheena Y. Rasheed  
Acting Solicitor

cc (via e-mail) to: Counsel of record as listed in TTABVUE