

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR

In re Samsung Electronics Co., Ltd.

Applicant.

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

Serial No. 90127492

Mark: SAMSUNG DIAMOND PIXEL

MEMORANDUM AND ORDER

On July 7, 2023, Applicant, Samsung Electronics Co., Ltd., filed a request for an extension of time of sixty (60) days to seek judicial review of the June 1, 2023, decision of the Trademark Trial and Appeal Board (Board) that affirmed the refusal under Trademark Act Section 2(d) to register Applicant's mark because of a likelihood of confusion with the registered mark DIAMOND PIXEL. The request is GRANTED for the reasons set forth below.

Under 37 C.F.R. § 2.145(e), the Director may, for good cause, extend the time to seek judicial review of a Board decision if the request is made in writing before the time for filing an appeal or civil action expires. Under 37 C.F.R. § 2.145(d)(1), the time to seek judicial review expires sixty-three (63) days from the date of the final decision of the Board. The Board's decision issued on June 1, 2023, and therefore any request for extension of time is due on or before August 3, 2023. Thus, Applicant's July 7, 2023 request for extension of time is timely and is considered under the good cause standard.

Applicant's request states:

Samsung Electronics Co. Ltd. needs additional time given inherent delays of foreign parties working with and seeking advice from counsel in the U.S., as well as layers of review within the Applicant's organization.

Further, Applicant states that it needs the additional time to continue to evaluate whether an appeal should be pursued through a civil action or by appeal to the Court of Appeals for the Federal Circuit, as well as any strategies that might make an appeal unnecessary. Applicant also notes it is a foreign party and that this creates communication issues and delays with its U.S. counsel. It therefore appears that there is good cause for the requested sixty (60) day extension.

Accordingly, the request for extension of time is GRANTED. Applicant has an additional sixty (60) days, through and including October 2, 2023, within which to file a notice of appeal or civil action.

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

Date: July 19, 2023

By: /s/ Thomas W. Krause
Thomas W. Krause
Solicitor

cc (via E-mail) to: counsel of record as listed in TTABVUE