

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

IN RE MARGOLIN )  
 )  
 )  
\_\_\_\_\_ ) **Appeal 2007-1056**

**DIRECTOR’S MOTION TO  
ENLARGE THE TIME FOR FILING HIS BRIEF BY TWO WEEKS**

The Director of the United States Patent and Trademark Office, pursuant to Fed. Cir. R. 26, requests that the time for filing his brief, now due January 30, 2007, be extended fourteen days to February 13, 2007. This is the first enlargement request made by the Director.

The enlargement is needed for the following reasons. Appellant’s brief was served on December 18, 2006 (a month before its due date), when the undersigned-attorney, who is primarily responsible for drafting the Director’s brief in this case, was out of the office until January 3, 2007. Upon the attorney’s return, he had an unusually heavy workload including being lead attorney in two upcoming, prior-scheduled court hearings, which have since occurred. Also, other agency counsel on this case will be out of the office beginning in the near future. We note that this Court’s Pacer System does not show an appellee brief due-date (and continues to show that appellant’s brief was to be corrected by January 5, 2007, though appellant served the Director with a corrected brief on January 4,

2007). In view of the foregoing, the Director's counsel needs additional time for the proper preparation and review of the Director's brief for this appeal.

With regard to this motion, appellant, *pro se*, was contacted by electronic mail and has stated that he does \_\_\_ consent to it [or gave no reply].

The Director respectfully requests that this motion be granted.

Respectfully submitted,

January 17, 2007

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2007, I caused two copies of the foregoing DIRECTOR'S MOTION TO ENLARGE THE TIME FOR FILING HIS BRIEF BY TWO WEEKS and proposed ORDER to be mailed by United States mail (first-class, postage prepaid), addressed as follows:

Jed Margolin  
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Joseph G. Piccolo  
Associate Solicitor