

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: August 20, 2002

Opposition No. 118,447

Spatial Technology, Inc.

v.

ObjectFX, Inc.

On June 17, 2002, the Board, in view of the fact that no answer is of record in this proceeding, issued a notice of default in accordance with Fed. R. Civ. P. 55(a).

In response, applicant contends that the parties have settled this matter and apologizes for its failure to keep the Board apprised of the status of the parties' settlement negotiations. Accordingly, applicant asks that the Board set aside the notice of default and suspend proceedings so that the parties can fully execute the assignment agreement.

Whether default judgment should be entered against a party is determined in accordance with Fed. R. Civ. P. 55(c), which reads in pertinent part: "for good cause shown the court may set aside an entry of default."

The Board finds that the parties' settlement negotiations constitute good cause. Accordingly, the notice of default is hereby set aside.

Opposition No. 118,447

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until **three months** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next three months, the Board will issue an order resuming proceedings and resetting the time for applicant to file an answer or other response to the notice of opposition.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.