

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

Mailed: August 19, 2002

Opposition No. 91151295

CHEMINEER, INC..

v.

KASPAR ELECTROPLATING
COMPANY, INC.

Nancy L. Omelko, Interlocutory Attorney:

On August 2, 2002, the Board issued a notice of default to applicant for its failure to file an answer by May 20, 2002. The order included a footnote indicating that the Board was giving no consideration to opposer's motion (filed June 6, 2002) for default judgment because it contained no proof of service on applicant, as required by Trademark Rule 2.119.

In response, opposer states that proof of service on applicant was included but must have been misplaced by the Board.

Opposer's motion for default judgment against applicant for failure to file an answer is uncontested.¹

¹ If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a

Inasmuch as applicant failed to file an answer in this case, and failed to respond to opposer's motion in any manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby entered against applicant, the notice of opposition is sustained, and registration to applicant is refused. See Fed. R. Civ. P. 55 and Trademark Rule 2.127(a).

***By the Trademark Trial
and Appeal Board***

defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.