

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: August 2, 2005

Opposition No. 91160188

VIVAT HOLDINGS LIMITED

v.

Trelise Cooper Limited

**David Mermelstein, Attorney:**

Now before the Board is applicant's June 23, 2005, consent motion to extend its time to answer.

**Motion to Extend**

This proceeding was instituted on April 16, 2004, well over a year ago. Since then, applicant has filed six extensions of time to answer, with opposer's consent. Based on opposer's motions, the Board has granted extensions or suspensions of applicant's time to answer. Applicant now seeks a further extension of time to answer, until September 25, 2005.

Applicant's motion cannot be granted, because it would extend applicant's time to answer beyond the close of discovery. Pursuant to the Board's order of June 24, 2004, discovery closed on May 29, 2005. "A motion to extend the time to answer beyond the close of discovery, even if

consented, will be denied." TBMP § 310.03(c) (2d ed. rev. 2004).

**Notice of Default**

Answer was due, as last reset, on June 27, 2005. Inasmuch as it appears that no answer has been filed, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed **THIRTY DAYS** from the mailing date of this order in which to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

Further, as it appears that applicant has already had well over a year to respond to the notice of opposition, no further extensions of time to answer will be granted, absent extraordinary, unforeseen circumstances.<sup>1</sup> Accordingly, applicant's response to this notice of default should include a proffered answer to the notice of opposition.

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<sup>1</sup> Extension to further the parties' settlement efforts described in applicant's six extension requests would appear to be neither extraordinary nor unforeseen.