

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

VW

Mailed: March 30, 2006

Opposition No. 91162310

Formula One Licensing B.V.

v.

KOENIGSEGG AUTOMOBILE INC.

Linda Skoro, Interlocutory Attorney

Answer was due on November 8, 2004. A review of the record shows that an answer has not been filed.¹

This case now comes up for consideration of opposer's motion, filed November 30, 2004, for default judgment against applicant for failure to file an answer.² The motion is uncontested.³

¹ On December 3, 2004 applicant filed a request for an extension of time to answer, but failed to serve a copy on opposer. On July 7, 2005 the Board noted the lack of service on opposer and allowed application 20 days to serve its extension request on opposer. Applicant has failed to comply with the 20-day deadline, so it is presumed that applicant has lost interest in the case.

² Opposer also filed a request for resumption on September 16, 2005. The Board regrets the delay in addressing this matter.

³ 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 defendant for failure to file an answer may also be raised by

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***

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.