

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

Baez/Ryan

Mailed: March 24, 2005

Opposition No. 91162422

V Secret Catalogue, Inc.,

and

Intimate Beauty Corporation,
dba Victoria's Secret Beauty

v.

Rick Worobec

Karyn K. Ryan, Interlocutory Attorney
Trademark Trial and Appeal Board:

Notice of Default Set Aside; Motion to reopen time for
filing answer granted

On January 12, 2005, the Board sent a notice of default to applicant because no answer had been filed. On February 18, 2005, applicant filed a response to the default notice, a motion to reopen and reset his deadline for answer, and a motion to suspend proceedings.

The standard to apply in order to permit the late filing of an answer is the "good cause" standard of Fed. R. Civ. P. 55(c). We find that the circumstances recounted by applicant constitute good cause not to enter judgment by

default. See, e.g., *Perfect Film and Chemical Corporation v. The Society Ordinastral*, 172 USPQ 696 (TTAB 1972).

Moreover, we observe that the motion to reopen and reset applicant's time for answer is uncontested.

In view thereof, the notice of default is set aside. In further view thereof, applicant's motion to reopen the time for filing his answer is granted. See Trademark Rule 2.127(a).

Proceedings are suspended

Because the motion to suspend appears to be well-taken, and insofar as opposer has not lodged any objections to the proposed suspension, applicant's motion to suspend this proceeding pending the outcome of Opposition No. 91125739 is hereby granted. Trademark Rules 2.117(c) and 2.127(a).

Within **twenty** days after the final determination of Opposition No. 91125739, the parties should notify the Board by filing such notice in this proceeding, so that this case may be called up for appropriate action. Upon expiration of the suspension period, the Board may issue an order resuming proceedings, resetting the deadline for applicant's answer and all other appropriate dates.

The Board has updated applicant's correspondence address herein, taking note of applicant's change in counsel. If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed in writing. Trademark Rule 2.18.

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Notice Regarding TTAB Electronic Resources and New Rules

- TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.
- Parties should also be aware of changes in the rules affecting trademark matters, including rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes are available at www.uspto.gov.
- The second edition of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at www.uspto.gov/web/offices/dcom/ttab/tbmp/.