

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

DUNN
Mailed: February 23, 2007

Opposition No. 91173105

Honda Motor Co., Ltd.

v.

Michael Dalton

Elizabeth A. Dunn, Attorney:

This case comes before the Board on applicant's motion to extend his time to answer the notice of opposition, filed December 5, 2006. Opposer filed a response opposing the motion. Applicant filed its answer on January 6, 2007.

Answer was due in this case on November 6, 2006. On November 5, 2006, applicant filed a motion to extend the time to answer to December 6, 2006, contending that applicant was appearing pro se in this matter and required additional time for research. No response thereto has been received from opposer. Accordingly, applicant's motion to extend time is hereby granted as conceded. See Trademark Rules 2.127(a).

On December 5, 2006, applicant filed a second motion to extend his time to answer, making the identical argument. Opposer argues that the motion should be denied because applicant's failure to present any new grounds for extension does not constitute good cause.

The standard which has consistently been applied by the Board (and the courts) in order to permit the late filing of an answer is that set forth in Fed. R. Civ. P. 55(c), i.e., that of good cause. This good cause is usually found to have been established (1) if the delay in the filing was not the result of willful conduct or gross neglect, (2) if the delay will not result in substantial prejudice to the plaintiff, and (3) if the defendant has a meritorious defense. See *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1992).

In the present case, there is no evidence that applicant's failure to timely file its answer was the result of any willful conduct or gross neglect. Insofar as the answer was filed within two months of its due date, we see no prejudice to opposer. Finally, by the submission of an answer which is not frivolous, applicant has adequately shown that it has a meritorious defense. Accordingly, applicant's motion to extend its time to answer is granted, and applicant's answer is accepted.

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Discovery and trial dates remain as set in the Board's order of September 27, 2006.
