

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

Baxley

Mailed: July 15, 2010

Opposition No. 91192441

Geoffrey LLC

v.

Taneeka Bourgeois daSilva and
Christopher daSilva

Andrew P. Baxley, Interlocutory Attorney:

On June 16, 2010, the Board sent a notice of default to applicant because no answer had been filed. In response, applicants contend that the parties have been actively engaged in settlement negotiations. Accordingly, applicants ask that the Board set aside the notice of default and reset their time to answer.

Whether default judgment should be entered against a party is determined in accordance with Fed. R. Civ. P. 55(c), which reads in pertinent part: "for good cause shown the court may set aside an entry of default." The determination of whether default judgment should be entered against a party lies within the Board's sound discretion. In exercising that discretion, the Board is mindful of its policy to decide cases on their merits where possible and therefore only reluctantly enters judgment by default for

failure to timely answer. See TBMP Section 312.02 (2d ed. rev. 2004).

The Board finds that the parties' settlement negotiations constitute good cause to set aside the notice of default and to reset applicants' time to answer. In view thereof, the notice of default is hereby set aside.

Applicants intends to represent theselves herein. While Patent and Trademark Rule 10.14 permits any person to represent himself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

In defending this opposition, applicants should review the Trademark Board Manual of Procedure (TBMP), online at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/index.html>, and the Trademark Rules of Practice, online at <http://www.uspto.gov/trademarks/law/tmlaw.pdf>.

The Board expects all parties appearing before it, whether or not they are represented by counsel, to comply with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure, online at <http://www.law.cornell.edu/rules/frcp>.

Trademark Rules 2.119(a) and (b) state that every paper filed in this proceeding must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which applicants may subsequently file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made, e.g., by mail. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service.

Applicant is urged to file submissions herein through the Board's Electronic System for Trademark Trials and Appeals (ESTTA) database, available online at <http://estta.uspto.gov>.

Dates herein are reset as follows.

Answer Due	8/14/10
Deadline for Discovery Conference	9/13/10
Discovery Opens	9/13/10
Initial Disclosures Due	10/13/10
Expert Disclosures Due	2/10/11
Discovery Closes	3/12/11
Plaintiff's Pretrial Disclosures	4/26/11
Plaintiff's 30-day Trial Period Ends	6/10/11
Defendant's Pretrial Disclosures	6/25/11
Defendant's 30-day Trial Period Ends	8/9/11
Plaintiff's Rebuttal Disclosures	8/24/11
Plaintiff's 15-day Rebuttal Period Ends	9/23/11

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.