

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

dmd

Mailed: January 4, 2011

Opposition No. 91197243

IOIP Holdings, LLC

v.

Ontel Products Corporation

Jennifer Krisp, Interlocutory Attorney:

The Board issued a notice of default on January 3, 2011, allowing applicant time to show cause why judgment by default should not be entered against it. Before the Board is applicant's motion (filed January 3, 2011) to set aside the notice of default, and its concurrently-filed late answer.

In its motion, applicant states that, although it served the answer on counsel for opposer on November 24, 2010, it unintentionally failed to file the answer with the Board. Applicant's failure to file a timely answer does not appear to be willful, in bad faith, or unduly prejudicial to opposer. Without evaluating the merits of the pleadings, the Board further finds that applicant's answer sets forth a meritorious and plausible defense to the allegations set forth in the notice of opposition. The Board is persuaded

that the foregoing constitutes good cause to discharge the notice of default and to accept the answer. Fed. R. Civ. P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991).

Accordingly, applicant's motion is granted, the notice of default is hereby set aside, and applicant's answer is accepted.

Conferencing<sup>1</sup> and trial dates remain as set in the Board's institution order.

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<sup>1</sup> In the event that either or both parties request the Board's participation in their required discovery conference, the assigned Interlocutory Attorney may be contacted by telephone at 571-272-9183 in order to expedite the scheduling of said conference.