

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

AM

Mailed: August 26, 2011

Opposition No. 91199963

Reynolds Innovations, Inc.

v.

New Image Global, Inc.

**Robert H. Coggins,
Interlocutory Attorney:**

On July 19, 2011, the Board entered notice of default against applicant for failure to file an answer or a motion to extend time to answer. By way of its response¹ (filed August 18, 2011), applicant states that its failure to file an answer was inadvertent and due the timing of the termination of former counsel and employment of new counsel². Applicant also states that the delay in filing an answer is not prejudicial to opposer, that applicant will defend against the opposition by disputing the allegations of a likelihood of confusion, and that due to a recent

¹ The filing fails to indicate proof of service on opposer as required by Trademark Rule 2.119. In order to expedite this matter, opposer is directed to the following URL where it may view a copy of the filing:
<http://ttabvueint.uspto.gov/ttabvue/v?pno=91199963&pty=OPP&eno=6>
Strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board.

² Applicant's change of correspondence address (filed August 18, 2011) is noted and entered.

change of counsel applicant seeks additional time in which to file an answer.

The Board is persuaded that the foregoing constitutes good cause to discharge the notice of default and to reset applicant's time to answer. Fed. R. Civ. P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, applicant's motion to set aside entry of default is granted. Dates are reset as follows.

Time to Answer	9/25/11
Deadline for Discovery Conference	10/25/11
Discovery Opens	10/25/11
Initial Disclosures Due	11/24/11
Expert Disclosures Due	3/23/12
Discovery Closes	4/22/12
Plaintiff's Pretrial Disclosures	6/6/12
Plaintiff's 30-day Trial Period	7/21/12
Ends	
Defendant's Pretrial Disclosures	8/5/12
Defendant's 30-day Trial Period	9/19/12
Ends	
Plaintiff's Rebuttal Disclosures	10/4/12
Plaintiff's 15-day Rebuttal Period	11/3/12
Ends	

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