

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

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Mailed: October 31, 2011

Opposition No. 91200550

Education Management LLC

v.

Pompeyo de Falco

On August 15, 2011<sup>1</sup>, the Board issued an order allowing applicant time in which to appoint new counsel or to file a paper stating that applicant chooses to represent itself, failing which the Board may issue an order to show cause why default judgment should not be entered against applicant based on applicant's apparent loss of interest in the case.

This case now comes up for consideration of opposer's motion, filed September 27, 2011, for default judgment against applicant for failure to response to the Board's order. The motion is uncontested.<sup>2</sup>

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<sup>1</sup> In the Board's order, the name of counsel for opposer was misspelled and is hereby corrected.

<sup>2</sup> If a defendant fails to file a response to a Board's order during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant may also be raised by means of a motion filed by the party in the position of

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Inasmuch as applicant failed to file a response as required in the Board's August 15, 2011 order, and failed to respond to opposer's motion in any manner, the motion for default judgment is granted as conceded. See Trademark Rule 2.127(a).

Accordingly, judgment is hereby entered against applicant. The opposition is accordingly sustained and registration to applicant is refused.

***By the Trademark Trial  
and Appeal Board***

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plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.