

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

Mailed: March 5, 2014

Opposition No. 91212693

Micronel AG

v.

Kunshan M.U.S. International
Co., Ltd.

Millicent Canady, Paralegal Specialist:

Notice of Default Set Aside

On November 20, 2013, the Board sent a notice of default to applicant because applicant failed to timely file an answer to the notice of opposition. The Board allowed applicant time to show cause why judgment by default should not be entered against it.

On December 13, 2013, applicant filed a response to the notice of default with a concurrently filed answer. Applicant states that due to a docketing inadvertence which resulted in counsel failing to take proper actions, applicant request to set aside the notice of default.

The standard for setting aside entry of default is good cause and/or consent. Inasmuch the applicant established good cause, applicant's failure to file an answer to the notice of default is hereby set aside.

Initial Disclosures Not Considered

The Board now turns its attention to applicant's January 8, 2014, copy of its initial disclosures.

Applicant is reminded that, as the Board noted in its September 23, 2013 order, initial disclosures, like requests for discovery, responses thereto, and materials or depositions obtained through the discovery process, should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or in response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. See Trademark Rule 2.120(j)(8).

The Board will give no consideration to applicant's initial disclosures filed January 8, 2014.

Accordingly, applicant's answer to the notice of opposition is accepted, conferencing and disclosure dates, are reset as indicated below:

Deadline for Discovery Conference	4/4/2014
Discovery Opens	4/4/2014
Initial Disclosures Due	5/4/2014
Expert Disclosures Due	9/1/2014
Discovery Closes	10/1/2014
Plaintiff's Pretrial Disclosures	11/15/2014
Plaintiff's 30-day Trial Period Ends	12/30/2014
Defendant's Pretrial Disclosures	1/14/2015
Defendant's 30-day Trial Period Ends	2/28/2015

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Plaintiff's Rebuttal Disclosures	3/15/2015
Plaintiff's 15-day Rebuttal Period	
Ends	4/14/2015

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.