

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

Mailed: February 7, 2014

Opposition No. 91212801

Pepsico Inc.

v.

Nutritional Science Solutions
ltd

**M. Catherine Faint,
Interlocutory Attorney:**

This case now comes up on applicant's response, filed January 16, 2014 to the Board's order of December 24, 2013.

Applicant's counsel, who is domiciled in the United Kingdom, has stated she is an attorney licensed in Florida. In view thereof, applicant's counsel may represent applicant before the Board.

By its order of December 24, 2013, the Board allowed applicant until December 26, 2013 to file an answer. No answer has been filed. Applicant "acknowledges that opposer consented to a two-week extension" for applicant to file its answer, but asks for additional time. Applicant's motion is **denied**.

Applicant is strongly cautioned that the Board does not look favorably on those who ignore the Board's orders, or who file "stipulations" that have not been agreed by both parties.

Because applicant has not filed an answer, either by December 26, 2013, or by January 11, 2014, applicant is in

technical default. The Board is mindful, however, 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 § 312.02.

Applicant has indicated that it has not lost interest in the case, but has not filed an answer. The Board will allow applicant time to file and serve, together with a certificate of service, an answer. If applicant does not file and serve its answer by the date set out below, absent extraordinary circumstances, or a stipulation to suspend or extend signed by counsel for both parties to this proceeding, default will be entered against applicant.

Proceedings are resumed. Dates are reset as set out below.

Time to Answer	2/26/2014
Deadline for Discovery Conference	3/28/2014
Discovery Opens	3/28/2014
Initial Disclosures Due	4/27/2014
Expert Disclosures Due	8/25/2014
Discovery Closes	9/24/2014
Plaintiff's Pretrial Disclosures Due	11/8/2014
Plaintiff's 30-day Trial Period Ends	12/23/2014
Defendant's Pretrial Disclosures Due	1/7/2015
Defendant's 30-day Trial Period Ends	2/21/2015
Plaintiff's Rebuttal Disclosures Due	3/8/2015

Plaintiff's 15-day Rebuttal Period Ends 4/7/2015

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