

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: September 19, 2014

Opposition No. 91214849

Apple Inc.

v.

Syed Ali Hasan

Amy Matelski, Paralegal Specialist:

Answer was due in this case on May 28, 2014. Applicant did not file an answer by such date nor did it file a timely motion to further extend its time to answer. In view thereof, the Board issued a notice of default to applicant on June 12, 2014 requiring applicant to show cause why judgment should not be entered against it. On July 15, 2014, applicant filed a response requesting to extend its time to file its answer to the notice of opposition.

On July 31, 2014 the Board allowed opposer time to file a response to applicant's response and motion to extend its time to answer.¹ No response was received from opposer.

¹ Applicant's copy of the Board's July 31, 2014 order was returned to the Board as undeliverable. In view thereof, applicant is allowed **twenty days** from the mailing date of this order in which to inform this Office of its correct address in order that all records may be accordingly amended.

Whether default judgment should be entered against a party is determined in accordance with Fed. R. Civ. P. 55(c), which reads in pertinent part: “for good cause shown the court may set aside an entry of default.” As a general rule, good cause to set aside a defendant’s default will be found where the defendant’s delay has not been willful or in bad faith, when prejudice to the plaintiff is lacking, and where defendant has a meritorious defense. *See Fred Hyman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991).

In this case, the Board finds that applicant’s failure to timely file its answer was not the result of willful inattention or bad faith. In view thereof, the Board’s notice of default dated June 12, 2014 is hereby set aside. Trial dates are reset as indicated below.

Time to Answer	10/18/2014
Deadline for Discovery Conference	11/17/2014
Discovery Opens	11/17/2014
Initial Disclosures Due	12/17/2014
Expert Disclosures Due	4/16/2015
Discovery Closes	5/16/2015
Plaintiff’s Pretrial Disclosures	6/30/2015
Plaintiff’s 30-day Trial Period Ends	8/14/2015
Defendant’s Pretrial Disclosures	8/29/2015
Defendant’s 30-day Trial Period Ends	10/13/2015
Plaintiff’s Rebuttal Disclosures	10/28/2015
Plaintiff’s 15-day Rebuttal Period Ends	11/27/2015

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within

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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.