

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: June 4, 2014

Opposition No. 91214874

Lorillard Licensing Company LLC

v.

Abir Anwar

**Nicole Thier, Paralegal Specialist:**

Applicant's answer was due on March 24, 2014. Inasmuch as applicant did not file an answer by the due date nor did it file a timely request to extend its time to answer, the Board issued a notice of default on April 11, 2014. On May 2, 2014, applicant filed its response to the Board's default notice concurrently with its answer and an appearance of counsel.

In its response, applicant's counsel contends that after applicant received notice of this proceeding, applicant began to interview attorneys for representation and inadvertently missed its deadline for filing an answer to the notice of opposition.

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 Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991).

In this case, the Board finds that opposer is not prejudiced by applicant's late filing and the reasons for applicant's delay were not willful or in bad faith.

In view of the foregoing, default is hereby set aside and applicant's answer to the notice of opposition is noted and accepted.

Discovery, conferencing and disclosure deadlines, as well as trial dates are reset as indicated below:

Deadline for Discovery Conference	7/4/2014
Discovery Opens	7/4/2014
Initial Disclosures Due	8/3/2014
Expert Disclosures Due	12/1/2014
Discovery Closes	12/31/2014
Plaintiff's Pretrial Disclosures	2/14/2015
Plaintiff's 30-day Trial Period Ends	3/31/2015
Defendant's Pretrial Disclosures	4/15/2015
Defendant's 30-day Trial Period Ends	5/30/2015
Plaintiff's Rebuttal Disclosures	6/14/2015
Plaintiff's 15-day Rebuttal Period Ends	7/14/2015

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.

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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.