

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: December 5, 2014

Opposition No. 91217482

Stokely-Van Camp, Inc.

v.

Jeff Pearson

Veronica P. White, Paralegal Specialist:

No answer having been timely received, the Board issued notice of default to applicant on September 17, 2014, allowing him thirty days in which to show cause why judgment should not be entered against him. Now before the Board are applicant's September 18 and October 1, 2014 response and answer.

Opposer's request that the schedule be reset so that the parties can proceed, filed October 29, 2014, is noted

Default Discharged

By way of his response, applicant states that he was unaware that his answer was not timely submitted and later realized that he did not upload the file correctly. Applicant's failure to timely file an answer to the notice of opposition does not appear to be willful, in bad faith, or unduly prejudicial. Without evaluating the merits of this case, the Board further finds that

applicant's late answer contains a meritorious defense to the complaint inasmuch as it contains a plausible response to opposer's allegations. The Board is persuaded that the foregoing constitutes good cause to set aside applicant's default. *See Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, the September 17, 2014 notice of default is discharged, and applicant's answer is accepted.

Schedule Reset

Dates are reset on the following schedule.

Deadline for Discovery Conference ¹	1/4/2015
Discovery Opens	1/4/2015
Initial Disclosures Due	2/3/2015
Expert Disclosures Due	6/3/2015
Discovery Closes	7/3/2015
Plaintiff's Pretrial Disclosures	8/17/2015
Plaintiff's 30-day Trial Period Ends	10/1/2015
Defendant's Pretrial Disclosures	10/16/2015
Defendant's 30-day Trial Period Ends	11/30/2015
Plaintiff's Rebuttal Disclosures	12/15/2015
Plaintiff's 15-day Rebuttal Period Ends	1/14/2016

¹ **General Information on Discovery Conferences**

The parties are referred to the Board's institution order in this proceeding and to the following URL: http://www.uspto.gov/trademarks/process/appeal/RULES08_01_07.pdf, see, e.g., pp. 42245, 42246, 42248 and 42252. During the conference, the following topics must be discussed:

- (1) the nature of and basis for their respective claims and defenses;
- (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and;
- (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case.

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 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.