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

GCP

Mailed: December 7, 2014

Opposition No. 91218474

Wilbur-Ellis Company

v.

Bio Huma Netics, Inc.

By the Trademark Trial and Appeal Board:

An answer to the notice of opposition was due on November 2, 2014. The record shows that an answer has not been filed.

This case now comes up for consideration of Opposer's motion, filed November 5, 2014, for default judgment against Applicant for failure to file an answer. The motion is uncontested.[1]

Inasmuch as Applicant failed to file an answer in this case, and failed to respond to Opposer's motion in any manner, the motion for default judgment is **GRANTED**. *See* Trademark Rule 2.127(a).

---

[1] If an applicant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the applicant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against an applicant for failure to file a timely answer may also be raised by means of a motion filed by the opposer. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default. *See* TBMP §312.01.

Accordingly, judgment is hereby entered against Applicant, the notice of opposition is sustained, and registration to Applicant is refused. *See* Fed. R. Civ. P. 55(b) and Trademark Rule 2.127(a).