

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

EJW/mc

Mailed: May 23, 2016

Opposition No. 91224595

Independent Media Corporation (PVT.) LTD

v.

BOL Enterprise (PVT) Limited

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Notice of Default Set Aside

On January 8, 2016, the Board sent a notice of default to Applicant because Applicant failed to timely file an answer to the notice of opposition. The Board allowed Applicant time to show cause why judgment by default should not be entered against it and, thereafter, granted an extension of time to Applicant to submit its response to the notice of default.

On April 21, 2016, Applicant filed a response to the notice of default requesting that the Board vacate the notice of default. By way of the response, Applicant states that its failure to file a timely answer was inadvertent and not the result of willful conduct, that there is not conceivable prejudice to Opposer by the delay, and that Applicant has a meritorious defense to this opposition, namely, Opposer's claims are barred under doctrine of *res judicata* in view of the Board's summary judgment decision dismissing a related opposition.

In view thereof, the Board is persuaded that the foregoing constitutes good cause to discharge the notice of default. Fed. R. Civ. P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, the notice of default is set aside.

Suspended

Proceedings are **SUSPENDED** pending disposition of Applicant's motion for summary judgment (filed April 21, 2016). Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

The motion for summary judgment will be decided in due course.