

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

mw/ey

Mailed: February 29, 2016

Opposition No. 91225104

*DRL Enterprises, Inc.*

*v.*

*Atmos Nation LLC*

**Michael Webster, Interlocutory Attorney:**

On January 26, 2016, Opposer filed a motion to strike Applicant's answer. Applicant did not file a brief in response thereto within the time provided under Trademark Rule 2.127(a).

In view thereof, Opposer's motion is granted as conceded; Applicant's answer filed January 6, 2016 is stricken; and Applicant is allowed until **April 1, 2016** in which to submit a substitute answer that is in compliance with Rule 8(b) of the Federal Rules of Civil Procedure.

Rule 8(b) of the Federal Rules of Civil Procedure, which is made applicable this proceeding by Trademark Rule 2.116(a), provides, in part:

**(b) DEFENSES; ADMISSIONS AND DENIALS.**

(1) *In General.* In responding to a pleading, a party must:

(A) state in short and plain terms its defenses to each claim asserted against it; and

(B) admit or deny the allegations asserted against it by an opposing party.

(5) *Lacking Knowledge or Information.* A party that lacks knowledge or information sufficient to form a belief about the truth of an allegation must so state, and the statement has the effect of a denial.

The notice of opposition filed by Opposer herein consists of five (5) paragraphs setting forth the basis of Opposer's claim of damage. In accordance with Fed. R. Civ. P. 8(b) it is incumbent on Applicant to answer the notice of opposition by specifically admitting or denying the allegations contained in each paragraph. If Applicant is without sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial.

In addition, Applicant should not argue the merits of the allegations in the notice of opposition but rather admit or deny the allegations therein. *See* Trademark Rule 2.106(b)(1); and TBMP § 311.02 (2015). The answer may also contain any defenses, including affirmative defenses that Applicant may have to the claims asserted by Opposer. Any defense attacking the validity of Opposer's registrations must be a compulsory counterclaim if such grounds exist at the time the answer is filed. Trademark Rule 2.106(b)(2).

Conference, disclosure, discovery and trial dates are reset as follows:

Time to Answer	<b>4/1/2016</b>
Deadline for Discovery Conference	<b>5/1/2016</b>
Discovery Opens	<b>5/1/2016</b>
Initial Disclosures Due	<b>5/31/2016</b>
Expert Disclosures Due	<b>9/28/2016</b>
Discovery Closes	<b>10/28/2016</b>
Plaintiff's Pretrial Disclosures	<b>12/12/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>1/26/2017</b>
Defendant's Pretrial Disclosures	<b>2/10/2017</b>

Defendant's 30-day Trial Period Ends	<b>3/27/2017</b>
Plaintiff's Rebuttal Disclosures	<b>4/11/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/11/2017</b>

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.

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.