

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: March 11, 2016

Opposition No. 91225439

University of Notre Dame du Lac

v.

John Vrana

Rochelle Adams, Paralegal Specialist:

An answer to the notice of opposition was due in this proceeding on January 30, 2016. Now before the Board is applicant's motion to set aside default and accept its late filed answer all of which is hereby noted.

Under Fed. R. Civ. P. 55(c), default may be set aside "for good cause shown." As a general rule, good cause to set aside an applicant's default will be found where the registrant's delay has not been willful or in bad faith, where prejudice to the opposer is lacking, and where the applicant has a meritorious defense. *See Fred Hyman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991). Moreover, the Board is reluctant to grant judgments by default, since the law favors deciding cases on their merits.

Insofar as applicant's failure to timely answer the notice of opposition was not willful or in bad faith, opposer will not suffer prejudice given that this proceeding is in its early stages and the parties' have been in settlement discussions, the order to show

cause why default should not be entered is hereby discharged and the notice of default is set aside.

In view thereof, the remaining trial dates are hereby reset as indicated below:

Deadline for Discovery Conference	4/10/2016
Discovery Opens	4/10/2016
Initial Disclosures Due	5/10/2016
Expert Disclosures Due	9/7/2016
Discovery Closes	10/7/2016
Plaintiff's Pretrial Disclosures	11/21/2016
Plaintiff's 30-day Trial Period Ends	1/5/2017
Defendant's Pretrial Disclosures	1/20/2017
Defendant's 30-day Trial Period Ends	3/6/2017
Plaintiff's Rebuttal Disclosures	3/21/2017
Plaintiff's 15-day Rebuttal Period Ends	4/20/2017

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.