

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

CME

Mailed: August 1, 2016

Opposition No. 91226972

Cooler Master Development Corporation

v.

Noon Technology Co., Ltd.

Christen M. English, Interlocutory Attorney:

On June 15, 2016, Opposer contacted the interlocutory attorney assigned to this proceeding to request Board participation in the discovery conference. 5 TTABVUE. As summarized in the Board's order of June 22, 2016, Applicant did not respond to the Board's efforts to schedule the discovery conference so the Board ordered that the conference take place on July 11, 2016 at 9:00 a.m. EDT. 6 TTTABVUE.

Prior to the scheduled discovery conference, an attorney filed an appearance on behalf of Applicant in the application file for involved application Serial No. 86605396. 7 TTABVUE. As a courtesy, the Board scanned Applicant's entry of appearance into the Board proceeding and updated its records to reflect Samen Chen as attorney of record for Applicant. 8 TTABVUE at 2.

Mr. Chen filed an answer on behalf of Applicant on April 27, 2016 (4 TTABVUE), and therefore, Board communications attempting to schedule the discovery conference as well as the Board's order of June 22, 2016 were sent to Mr.

Chen's e-mail address. *Id.* Mr. Chen, however, did not appear for the conference. *Id.* at 1.

Notwithstanding that Mr. Chen should have been aware of the scheduled discovery conference, the Board rescheduled the discovery conference for July 29, 2016 at 9 a.m. EDT. *Id.* at 2. Counsel for Opposer, P. Jay Hines, called into the conference, but neither Mr. Chen nor any other representative for Applicant appeared. The Board terminated the conference after waiting fifteen minutes for Mr. Chen to appear.¹

In view of the foregoing, Applicant is allowed until **THIRTY DAYS** from the mailing date of this order to show cause as to why default judgment should not be entered against it based on its failure to participate in the mandatory discovery conference. *See* Trademark Rule 2.120(g)(1); Fed. R. Civ. P. 37(b); *see also Patagonia, Inc. v. Azzolini*, 109 USPQ2d 1859, 1861-63 (TTAB 2014) (notice of default issued based on respondent's failure to participate in the mandatory discovery conference; respondent failed to show good cause resulting in the entry of judgment). Proceedings are otherwise suspended.

¹ The assigned interlocutory attorney sent an e-mail to Mr. Chen at 9:05 a.m. EDT asking whether he planned to attend the discovery conference, but Mr. Chen did not respond.