

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513**

Mailed: July 21, 2003

Cancellation No. 41,293

Nexpress Solutions, LLC

v.

Neuron Data, Inc.

On April 3, 2003, the Board re-served the notice instituting this proceeding and the petition to cancel on respondent at a new address and on April 29, 2003 the Board effected notice of the filing of the petition by publication in the *Official Gazette* pursuant to Trademark Rule 2.118. The Board further stated that "[i]n the event that service upon registrant is not effected, and should no response to the notice published in the *Official Gazette* be received, judgment will be entered against registrant."

No answer has been filed.

This case now comes up for consideration of petitioner's motion, filed June 16, 2003, for default judgment against respondent for failure to file an answer. The motion is uncontested.<sup>1</sup>

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<sup>1</sup> If a defendant 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 defendant time to show cause why default judgment should not be entered against it. The

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Inasmuch as respondent failed to file an answer in this case, and failed to respond to petitioner's motion in any manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby entered against respondent, the petition for cancellation is granted, and Registration No. 1,453,986 will be cancelled in due course. See Fed. R. Civ. P. 55 and Trademark Rule 2.127(a). The Board notes that Registration No. 1,963,840 has already been cancelled under Section 8 of the Trademark Act. The cancellation of Registration No. 1,963,840 accordingly stands, and no further action is necessary.

***By the Trademark Trial  
and Appeal Board***

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issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.