

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

cv

Mailed: December 13, 2004

Cancellation No.92043221

SOXLAND INTERNATIONAL, INC

v.

PAT MCMANUS D/B/A K. MARIE  
ENTERPRISES

**Thomas W. Wellington  
Interlocutory Attorney,  
Trademark Trial and Appeal Board:**

On August 2, 2004 the Board issue an order allowing respondent time to respond to petitioner's motion for default judgment and show cause why judgment by default should not be entered against respondent. A review of the record shows that a response has not been filed.

This case now comes up for consideration of petitioner's motion, filed July 13, 2004, 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 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.

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. 2598857 will be cancelled in due course. See Fed. R. Civ. P. 55 and Trademark Rule 2.127(a).

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