

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

BUO

Mailed: July 19, 2013

Cancellation No.92056708

Frontline Selling, LLC

v.

Restaurant Consulting Group, Inc.
CFD Enterprises, Inc. dba
Restaurant Trends

Benjamin U. Okeke, Interlocutory Attorney:

Now before the Board is petitioner's motion, filed March 21, 2013, for entry of default judgment against Restaurant Consulting Group, Inc., ("RCG") co-owner of Registration No. 1958060.

Petitioner's motion cites the answer, filed March 4, 2013, which indicates that it is filed by and through respondent's attorney on behalf of CFD Enterprises, Inc., ("CFD") but makes no mention of RCG who was also named in the petition for cancellation.¹

Where defendants are joint owners of a mark involved in a cancellation proceeding, each defendant must sign a combined,

¹ The Board also notes that the underlying application Serial No. 74663056, filed April 12, 1995, was filed and signed by both RCG and CFD as co-applicants; on February 20, 1996, the registration certificate issued in the names of both RCG and CFD; two renewals of the registration were filed, October 2, 2001, and February 20, 2006, identifying both parties as co-owners; and no assignment has been recorded with the USPTO granting CFD sole ownership of the registration.

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single answer. See TBMP § 311.01(b). Inasmuch as there is no mention of RCG in the answer, the answer is procedurally deficient. Accordingly, respondent is allowed until **TWENTY DAYS** from the mailing date of this order to show cause why its answer should not be stricken, and to file an answer that complies with the requirement that a single answer be signed by both party defendants. In the absence of a showing of good and sufficient cause, default judgment may be entered against respondent. See Fed. R. Civ. P. 55(b).

Consideration of petitioner's motion for entry of default judgment is **DEFERRED** pending respondent's response to this order.