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

Mailed: November 13, 2013

Cancellation No. 92057717

Samuel Katzin-Simon

v.

Ambrea C. Hanson

Veronica P. White, Paralegal Specialist:

This proceeding was commenced on August 21, 2013, and applicant's time to file an answer was set for September 30, 2013. On October 2, 2013, respondent filed a change of correspondence address and a motion to extend its time to file an answer, and on October 7, 2013 the Board received a renewed motion to extend time.[1]

The Board construes respondent's motion to extend as a motion to set aside its technical default and reopen its time to answer. The Board exercises its discretion to determine the motion prior to the expiration of time in which petitioner may file a brief in opposition thereto.

[1] It is noted that the October 7, 2013 filing bears respondent's signature and indicates proof of service on petitioner. In view thereof, respondent's motion to extend time filed October 2, 2013 is considered superseded by the subsequent motion and need not be considered. In addition, the Board's records have been updated to reflect respondent's change of correspondence address (filed October 2, 2013).

By way of the motion, respondent states that due to relocation of residence, respondent's receipt of the petition to cancel was delayed; as a result left respondent with insufficient time in which to file an answer before the deadline therefor.

Respondent's failure to file a timely answer or a timely motion to extend does not appear to be willful, in bad faith, or unduly prejudicial, but due to respondent's recent change of address (which has now been updated). In view of the fact that it is the policy of the law to decide cases on their merits, that the Board is very reluctant to enter a default judgment for failure to file a timely answer, and that the Board tends to resolve any doubt on the matter in favor of the respondent, the Board is persuaded that the foregoing constitutes good cause to set aside respondent's technical default and to reopen respondent’s time to file an answer. *See Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, respondent's motion is granted, the technical default is discharged, and dates are reset on the schedule indicated below:

Time to Answer	**12/13/2013**
Deadline for Discovery Conference	**1/12/2014**
Discovery Opens	**1/12/2014**
Initial Disclosures Due	**2/11/2014**
Expert Disclosures Due	**6/11/2014**
Discovery Closes	**7/11/2014**
Plaintiff's Pretrial Disclosures	**8/25/2014**
Plaintiff's 30-day Trial Period Ends	**10/9/2014**
Defendant's Pretrial Disclosures	**10/24/2014**

Defendant's 30-day Trial Period Ends	**12/8/2014**
Plaintiff's Rebuttal Disclosures	**12/23/2014**
Plaintiff's 15-day Rebuttal Period Ends	**1/22/2015**

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 taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.