

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

Mailed: May 28, 2014

Cancellation No. 92058680

Steelcase Inc.

v.

Exponents Insta USA, Inc.

Nicole Thier, Paralegal Specialist:

Respondent's answer was due, as last reset, on March 25, 2014. Inasmuch as respondent did not file an answer by the due date nor did it file a timely request to extend its time to answer, the Board issued a notice of default on April 25, 2014. On May 5, 2014, respondent filed its response to the Board's default notice concurrently with its answer.¹

In its response, respondent's counsel contends that, respondent's failure to file a timely answer was an inadvertent oversight. Respondent underwent a change of name and failed to file an assignment with the Board updating its address and change of name, which caused the respondent to not receive any correspondence from the Board regarding this proceeding. Respondent's counsel also states that on May 5, 2014 respondent's change of name from Insta-Group US, Inc. to Exponents Insta USA, Inc. was received

and recorded with the assignment branch of the Office and is viewable at Reel/Frame No. 5274/0190.

Whether default judgment should be entered against a party is determined in accordance with Fed. R. Civ. P. 55(c), which reads in pertinent part: “for good cause shown the court may set aside an entry of default.” As a general rule, good cause to set aside a defendant’s default will be found where the defendant’s delay has not been willful or in bad faith, when prejudice to the plaintiff is lacking, and where defendant has a meritorious defense. *See Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991).

In this case, the Board finds that petitioner is not prejudiced by respondent’s approximate two month late filing. Moreover, the Board finds that the reasons for respondent’s delay were not willful or in bad faith.

In view of the foregoing, default is hereby set aside and respondent’s answer to the petition to cancel is noted and accepted.

Discovery, conferencing and disclosure deadlines, as well as trial dates are reset as indicated below:

Deadline for Discovery Conference	6/27/2014
Discovery Opens	6/27/2014
Initial Disclosures Due	7/27/2014
Expert Disclosures Due	11/24/2014
Discovery Closes	12/24/2014
Plaintiff's Pretrial Disclosures	2/7/2015
Plaintiff's 30-day Trial Period Ends	3/24/2015
Defendant's Pretrial Disclosures	4/8/2015
Defendant's 30-day Trial Period Ends	5/23/2015
Plaintiff's Rebuttal Disclosures	6/7/2015

¹ Respondent’s appearance of counsel is noted and made of record.

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 the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.