

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

nmt

Mailed: November 28, 2014

Cancellation No. 92059476

Geoffrey, LLC

v.

Eric Klose

By the Trademark Trial and Appeal Board:

An answer to the petition to cancel was due on August 10, 2014. The record shows that an answer was filed late by respondent on August 20, 2014, however the file submitted by respondent was corrupt and the Board was unable to recover the document.

The Board's attempts to contact respondent concerning its answer were unsuccessful.

This case now comes up for consideration of petitioner's motion, filed October 9, 2014, for default judgment against respondent for failure to file an answer. The motion is uncontested.¹

¹ If a respondent 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 respondent time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a respondent for failure to file a timely answer may also be raised by means of a motion filed by the petitioner. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default. See TBMP §312.01.

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. 4550100 will be cancelled in due course by the Commissioner for Trademarks. *See* Fed. R. Civ. P. 55(b) and Trademark Rule 2.127(a).