

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: August 3, 2015

Cancellation No. 92061019

Zuffa, LLC

v.

UFC Ultimate Fitness Center, LLC

Karl Kochersperger, Paralegal Specialist:

On April 19, 2015, Respondent's answer was due. On May 1, 2015, the Board issued notice of default.

On May 2, 2015, Respondent filed its motion to suspend and/or consolidate proceedings with no showing of cause why judgment by default should not be entered.

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 Hyman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991). In this case, because the delay was short, the Board sees no prejudice to Petitioner, and the motion indicates that Respondent has a meritorious defense. Therefore, a lengthy or detailed explanation that Respondent's delay has not been willful or in bad faith is not necessary.

However, Respondent's failure to file its answer as ordered was followed by Respondent's failure to make any effort to show cause as ordered. In these circumstances it is not appropriate for the Board to discharge the notice of default.

In view of the foregoing, proceedings are hereby **suspended** and Respondent is allowed until **THIRTY DAYS** from the mailing date of this order to supplement its response to the notice of default with the required showing of good cause, failing which default judgment will be entered.

Respondent's motion to suspend and/or consolidate will be acted on if and when proceedings are resumed.