

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

RA

Mailed: June 8, 2015

Cancellation No. 92061040

Neogen Corporation

v.

Medicadet Medical Design
and Manufacturing, LLC

By the Trademark Trial and Appeal Board:

An answer to the petition to cancel was due on April 20, 2015. The record shows that an answer has not been filed.

This case now comes up for consideration of petitioner's motion, filed April 28, 2015, for default judgment against respondent for failure to file an answer. The motion is uncontested.¹

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).

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.

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Accordingly, judgment is hereby entered against respondent, the petition for cancellation is granted with respect to Class 10 only, and Registration No. 3926253 will be cancelled in due course by the Commissioner for Trademarks. *See* Fed. R. Civ. P. 55(b) and Trademark Rule 2.127(a).