

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: February 1, 2016

Cancellation No. 92062104

*Information Resources, Inc.*

*v.*

*Plug And Play Consulting*

**Ellen Yowell, Paralegal Specialist:**

On December 3, 2015, the Board issued an order allowing Respondent time to show cause as to why the Board should not enter judgment against it for failure to timely answer the petition for cancellation. On December 19, 2015, Respondent filed a motion to set aside the notice of default.

Under Fed. R. Civ. P. 55(c), default may be set aside for good cause shown. 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, where prejudice to the plaintiff is lacking, and where the defendant has a meritorious defense. Moreover, the Board is reluctant to grant judgments by default, since the law favors deciding cases on their merits.

Inasmuch as the record indicates that Respondent's failure to timely answer the petition for cancellation was not willful or in bad faith, Petitioner will not suffer prejudice given that this proceeding is in its early stages, and Respondent seeks to

set forth a meritorious defense to the allegations, the notice of default is hereby set aside.

Conference, disclosure, discovery, and trial dates are reset as follows:

Deadline for Discovery Conference	<b>3/2/2016</b>
Discovery Opens	<b>3/2/2016</b>
Initial Disclosures Due	<b>4/1/2016</b>
Expert Disclosures Due	<b>7/30/2016</b>
Discovery Closes	<b>8/29/2016</b>
Plaintiff's Pretrial Disclosures	<b>10/13/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>11/27/2016</b>
Defendant's Pretrial Disclosures	<b>12/12/2016</b>
Defendant's 30-day Trial Period Ends	<b>1/26/2017</b>
Plaintiff's Rebuttal Disclosures	<b>2/10/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>3/12/2017</b>

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.