

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 16, 2004

Opposition No. 91158121

Beringer Blass Wine Estates
Company

v.

Robert L. Lieff

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

On June 10, 2004, the Board issued a notice of default in this proceeding which allowed applicant time to show cause why default judgment should not be entered against respondent for failure to file an answer.

On July 15, 2004, applicant filed a consented motion to extend its time to file an answer "from July 10, 2004 to September 8, 2004." Applicant states that the additional time is needed to allow the parties conclude settlement negotiations.

Initially, we note that applicant apparently confuses its time to file an answer with its time to respond to the Board's June 10, 2004 order. The deadline for filing an answer in this case was March 25, 2004, and applicant's response to the show cause order was due July 10, 2004. However, based on the

information provided by applicant in its motion, the notice of default mailed on June 10, 2004, is hereby set aside. See Fed. R. Civ. P. 55; and TBMP § 317.

Applicant's motion is granted to the extent that it is allowed until September 8, 2004 to file an answer to the notice of opposition.

* * *