

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Pologeorgis

Mailed: June 20, 2006

Opposition No. 91169534

Hormel Foods Corporation  
Hormel Foods, LLC & Hormel  
Foods Sales, LLC

v.

Wild West Resources, LLC

Answer was due on April 12, 2006. A review of the record shows that an answer has not been filed.

This case now comes up for consideration of opposer's motion, filed May 1, 2006, for default judgment against applicant for failure to file an answer. The motion is uncontested.<sup>1</sup>

Inasmuch as applicant failed to file an answer in this case, and failed to respond to opposer's motion in any

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<sup>1</sup> If a defendant 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 defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of plaintiff. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default.

manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby entered against applicant, the notice of opposition is sustained, and registration to applicant is refused. See Fed. R. Civ. P. 55 and Trademark Rule 2.127(a).<sup>2</sup>

***By the Trademark Trial  
and Appeal Board***

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<sup>2</sup> The Board notes opposer's communication filed on March 16, 2006 requesting confirmation that the instant opposition proceeding was the correct action for the opposition for the mark SPAMPIRES, Serial No. 78541871. The Board confirms that the instant proceeding is the correct proceeding. Apparently, the Board instituted another proceeding, namely, Opposition No. 91169511, in regard to the SPAMPIRES application. The institution of proceeding no. 91169511 was inadvertent and therefore is dismissed as a nullity.