

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

Mailed: September 28, 2006

Opposition No. 91171744

Renaissance Hotel Holdings,  
Inc.

v.

Rosenruist - Gestao E  
Servicos Sociedade Unipessoal  
Lda.

George C. Pologeorgis, Interlocutory Attorney:

The Board instituted this proceeding on July 10, 2006, 2005, making applicant's answer due by August 19, 2006. Applicant did not file an answer or otherwise respond by the due date. Instead, applicant filed a motion on September 8, 2006 to accept its concurrently filed late answer to the notice of opposition.

Whether default judgment should be entered against a party is determined in accordance with Fed. R. Civ. P. 55(c), which reads in pertinent part: "for good cause shown the court may set aside an entry of default." 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*

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*Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556  
(TTAB 1991).

In this case, the Board finds that opposer is not prejudiced by applicant's approximate two-week late filing and, by filing an answer which denies the fundamental allegations in the notice of opposition, applicant has asserted a meritorious defense to the notice of opposition. Moreover, the Board finds that the reasons for applicant's delay were not willful or in bad faith.

In view of the foregoing, applicant's motion to accept its late answer is granted, default is hereby set aside and applicant's answer to the notice of opposition is noted and accepted.

The parties are allowed **thirty days** from the mailing date of this order to serve responses to any outstanding discovery requests.

Discovery and trial dates are remain as set in the Board's July 10, 2006 institution order.