

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

Baxley

Mailed: October 10, 2007

Opposition No. **91178093**

Yonkers Racing Corporation

v.

Empire Resorts, Inc.

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

On August 24, 2007, the Board sent a notice of default to applicant because no answer had been filed. The record shows no response thereto.

Accordingly, judgment by default is hereby entered against applicant, the opposition is sustained, and registration to applicant is refused. See Fed. R. Civ. P. 55, and Trademark Rule 2.106(a).