

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

Mailed: April 15, 2008

Opposition No. 91181233

Western Union Holdings, Inc.

v.

Hamed T. Bassam

George C. Pologeorgis, Interlocutory Attorney:

The Board instituted this proceeding on December 12, 2007, making applicant's answer due by January 21, 2008. Inasmuch as applicant did not file an answer or otherwise respond by the due date, the Board issued a notice of default on February 16, 2008. On March 14, 2008, applicant filed a consented motion 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*

*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 month and half 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. Finally, the Board notes that opposer has consented to applicant's motion to set aside default.

In view of the foregoing, applicant's consented 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.

Conferencing and disclosure deadlines, as well as discovery and trial dates are reset as indicated below:

Deadline for Discovery Conference	5/10/2008
Discovery Opens	5/10/2008
Initial Disclosures Due	6/9/2008
Expert Disclosures Due	10/7/2008
Discovery Closes	11/6/2008
Plaintiff's Pretrial Disclosures	12/21/2008
Plaintiff's 30-day Trial Period Ends	2/4/2009
Defendant's Pretrial Disclosures	2/19/2009
Defendant's 30-day Trial Period Ends	4/5/2009
Plaintiff's Rebuttal Disclosures	4/20/2009
Plaintiff's 15-day Rebuttal Period Ends	5/20/2009

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.

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>  
[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>