

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

nmt

Mailed: April 14, 2010

Opposition No. 91193377

Deva Nutrition LLC

v.

Arthur Andrew Medical,
Inc.

Linda Skoro, Interlocutory Attorney

No answer having been timely received, the Board issued notice of default to applicant, on March 11, 2010, allowing it thirty days in which to show cause why judgment should not be entered against it. Now before the Board is applicant's March 12, 2010 motion to set aside the notice of default.

By its response, applicant states that its failure to file a timely answer was not of willful conduct or gross neglect, but merely an inadvertent error by applicant's newly appointed counsel who was without knowledge of this proceeding until receiving the Board's March 11, 2010 notice of default.

In view thereof, the Board finds good cause to discharge applicant's default. Fed. R. Civ. P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, applicant is allowed **THIRTY DAYS** to file an answer to the notice of opposition.

Discovery conference, initial disclosures and trial dates are reset as follows:

Time to Answer	5/12/2010
Deadline for Discovery Conference	6/11/2010
Discovery Opens	6/11/2010
Initial Disclosures Due	7/11/2010
Expert Disclosures Due	11/8/2010
Discovery Closes	12/8/2010
Plaintiff's Pretrial Disclosures	1/22/2011
Plaintiff's 30-day Trial Period Ends	3/8/2011
Defendant's Pretrial Disclosures	3/23/2011
Defendant's 30-day Trial Period Ends	5/7/2011
Plaintiff's Rebuttal Disclosures	5/22/2011
Plaintiff's 15-day Rebuttal Period Ends	6/21/2011

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 taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.