

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: October 18, 2016

Opposition No. 91228607

Vision Service Plan

v.

General Vision Services LLC

Ellen Yowell, Paralegal Specialist:

On August 12, 2016, the Board issued a notice of default against Applicant for failure to file an answer to the notice of opposition. On September 9, 2016, Applicant filed its answer to the notice of opposition and a motion to set aside the Board's entry of default. No response to Applicant's motion has been filed.

Under Fed. R. Civ. P. 55(c), default may be set aside "for good cause shown." As a general rule, good cause to set aside an applicant's default will be found where the applicant's delay has not been willful or in bad faith, where prejudice to the opposer is lacking, and where the applicant has a meritorious defense. Moreover, the Board is reluctant to grant judgments by default, since the law favors deciding cases on their merits.

Inasmuch as the record indicates that Applicant's failure to timely answer the notice of opposition was not willful or in bad faith, Opposer will not suffer prejudice given that this proceeding is in its early stages, and Applicant seeks to set forth a

meritorious defense to the allegations, Applicant's motion is granted and the notice of default is hereby set aside.

Conference, disclosure, discovery, and trial dates are reset as follows:

Deadline for Discovery Conference	11/17/2016
Discovery Opens	11/17/2016
Initial Disclosures Due	12/17/2016
Expert Disclosures Due	4/16/2017
Discovery Closes	5/16/2017
Plaintiff's Pretrial Disclosures	6/30/2017
Plaintiff's 30-day Trial Period Ends	8/14/2017
Defendant's Pretrial Disclosures	8/29/2017
Defendant's 30-day Trial Period Ends	10/13/2017
Plaintiff's Rebuttal Disclosures	10/28/2017
Plaintiff's 15-day Rebuttal Period Ends	11/27/2017

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.