

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: March 5, 2018

Opposition No. 91232362

*The University of North Carolina at Chapel
Hill*

v.

Alan Caviness

Monique Tyson, Paralegal Specialist:

On February 8, 2018, Applicant filed its response to the Board's default notice concurrently with its amended answer.

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.

In this case, the Board finds that Opposer is not prejudiced by Applicant's late filing. Moreover, the Board finds that the reasons for Applicant's delay were not willful or in bad faith, and that by filing its answer, Applicant has indicated its belief that it has a meritorious defense.

In view of the foregoing, default is hereby set aside, Applicant's amended answer to the notice of opposition is noted and accepted, and proceedings herein are resumed.

Discovery conference and trials dates are reset as follows:

Deadline for Discovery Conference	4/4/2018
Discovery Opens	4/4/2018
Initial Disclosures Due	5/4/2018
Expert Disclosures Due	9/1/2018
Discovery Closes	10/1/2018
Plaintiff's Pretrial Disclosures Due	11/15/2018
Plaintiff's 30-day Trial Period Ends	12/30/2018
Defendant's Pretrial Disclosures Due	1/14/2019
Defendant's 30-day Trial Period Ends	2/28/2019
Plaintiff's Rebuttal Disclosures Due	3/15/2019
Plaintiff's 15-day Rebuttal Period Ends	4/14/2019
Plaintiff's Opening Brief Due	6/13/2019
Defendant's Brief Due	7/13/2019
Plaintiff's Reply Brief Due	7/28/2019
Request for Oral Hearing (optional) Due	9/16/2019

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at

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final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).