

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

Baxley

Mailed: March 14, 2018

Opposition No. 91238114

*Nokia Corporation*

*v.*

*Somasundaram Ramkumar*

**Andrew P. Baxley, Interlocutory Attorney:**

Applicant responded to the notice of default that the Board issued on January 19, 2018 by filing his answer. In a February 23, 2018 order, the Board noted that “Applicant has not explained why the answer was filed late and has therefore not shown that the delay was not willful or in bad faith.” 6 TTABVUE 2.

In response thereto, Applicant stated simply that “the reason for the delay answer is prepare to file a suitable answer.” 7 TTABVUE 2 (sic). To begin with, neither the response nor Applicant’s answer include proof of service upon Opposer, as required by Trademark Rule 2.119. The Board will not consider any further submissions from Applicant that do not include proof of service upon Opposer. *See* TBMP § 113 (June 2017).

Further, Applicant’s response is essentially that his answer was late because he was preparing a suitable answer. Based thereon, the Board cannot determine that his delay was not neither willful nor in bad faith.

Bearing in mind the Board's strong preference to decide cases on the merits where possible (*see* TBMP § 312.02), Applicant is allowed until twenty days from the mailing date set forth in the this order to submit a supplemental response in which he more thoroughly explains why he failed to timely file his answer.<sup>1</sup>

Proceedings herein otherwise remain suspended.

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<sup>1</sup> Opposer's motion (filed March 13, 2018) for entry of default judgment will receive no consideration.