

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
General Email: TTABInfo@uspto.gov

October 9, 2018

Opposition No. 91242460

Luxco, Inc.

v.

CB Spirits S.À R.L

Monique Tyson, Paralegal Specialist:

On September 10, 2018, Applicant filed its response to the Board's default notice concurrently with its 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 answer to the notice of opposition is noted and accepted.

Proceedings herein are resumed. Discovery conference and trials dates are reset as follows:

Deadline for Discovery Conference	11/8/2018
Discovery Opens	11/8/2018
Initial Disclosures Due	12/8/2018
Expert Disclosures Due	4/7/2019
Discovery Closes	5/7/2019
Plaintiff's Pretrial Disclosures Due	6/21/2019
Plaintiff's 30-day Trial Period Ends	8/5/2019
Defendant's Pretrial Disclosures Due	8/20/2019
Defendant's 30-day Trial Period Ends	10/4/2019
Plaintiff's Rebuttal Disclosures Due	10/19/2019
Plaintiff's 15-day Rebuttal Period Ends	11/18/2019
Plaintiff's Opening Brief Due	1/17/2020
Defendant's Brief Due	2/16/2020
Plaintiff's Reply Brief Due	3/2/2020
Request for Oral Hearing (optional) Due	3/12/2020

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).