

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](mailto:TTABInfo@uspto.gov)

April 23, 2019

Opposition No. 91246730

*Wagoo LLC*

*v.*

*Hercules Brito*

**Victoria von Vistauxx, Paralegal Specialist:**

An answer to the notice of opposition was due in this proceeding on April 13, 2019.<sup>1</sup> Inasmuch as it appears that no answer has been filed, nor has Applicant filed a motion to extend the time to file an answer, notice of default is hereby entered against Applicant pursuant to Fed. R. Civ. P. 55(a).

Accordingly, proceedings are suspended. Applicant is allowed until thirty days from the date of this order to show cause why judgment by default should not be entered against Applicant in accordance with Fed. R. Civ. P. 55(b)(2).

The failure to file a timely answer tolls all deadlines, including the discovery conference, until the issue of default is resolved. *See* Trademark Rule 2.106(a).

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<sup>1</sup> It has come to the Board's attention that the caption of the Board's March 4, 2019 order states the proceeding as a cancellation. The present case is an opposition, filed by Opposer Wagoo, LLC, to the registration of the mark in the involved application Serial No. 88123080.

The schedule for the discovery conference, initial disclosures, discovery and trial will be reset in the event that the Board resumes proceedings.