

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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April 30, 2019

Cancellation No. 92070781

*Earthy Browns Natural Products, LLC*

*v.*

*Earthy LLC*

### **NOTICE OF DEFAULT**

An answer to the petition to cancel was due in this proceeding on **April 20, 2019**. Inasmuch as it appears that no answer has been filed, nor has Respondent filed a motion to extend its time to answer, a notice of default is hereby entered against Respondent under Fed. R. Civ. P. 55(a).

Accordingly, proceedings are suspended. Respondent is allowed until thirty days from the date of this order to show cause why judgment by default should not be entered against Respondent 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 2.114(a).

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