

UNITED STATES PATENT AND TRADEMARK OFFICE  
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VW

October 29, 2019

Cancellation No. 92071368

*Union Pacific Railroad Employes Health  
Systems, Inc.*

*v.*

*Drug Depot Pharmacy, Inc.*

**By the Trademark Trial and Appeal Board:**

An answer to the petition to cancel was due on July 3, 2019. The record shows that an answer has not been filed.

This case now comes up for consideration of Petitioner's motion, filed July 10, 2019, for default judgment against Respondent for failure to file an answer. The motion is uncontested.<sup>1</sup>

Inasmuch as Respondent failed to file an answer in this case, and failed to file a response to Petitioner's motion, the motion for default judgment is granted. *See* Trademark Rule 2.127(a).

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<sup>1</sup> If a Respondent fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the Respondent time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a Respondent for failure to file a timely answer may also be raised by means of a motion filed by the Petitioner. In such cases, the motion may serve as a substitute for the Board's issuance of a notice of default. *See* TBMP §312.01.

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Accordingly, judgment is hereby entered against Respondent, the petition for cancellation is granted, and Registration No. 4535991 will be cancelled in due course by the Commissioner for Trademarks. *See* Fed. R. Civ. P. 55(b) and Trademark Rule 2.127(a).