

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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June 16, 2022

Cancellation No. 92079260

American Southern Homes LLC

v.

Evermore Academy Ltd

By the Trademark Trial and Appeal Board:

On May 7, 2022, the Board issued a notice of default to Respondent because no answer had been filed.

No response to the notice of default has been filed.

Accordingly, judgment by default is hereby entered against Respondent, the petition to cancel is granted, and Registration No. 5102354 will be cancelled in due course by the Commissioner for Trademarks.¹ See Fed. R. Civ. P. 55(b), and Trademark Rule 2.114(a).

¹ Trademark Rule 2.114(a)(2) provides that “[i]f the cancellation proceeding is based solely on abandonment and/or nonuse and default judgment is entered with no appearance by the defendant, and no filings are made other than the petition to cancel, \$200.00 per class of the petition to cancel fee may be refunded.” However, should the Board’s judgment be set aside or vacated, and there is a resumption of cancellation proceedings, Petitioner will be required to return the refunded amount in order to satisfy the filing fee requirements for cancellation proceedings, pursuant to Rules 2.6 and 2.111(a).