

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WDJ

August 17, 2023

Cancellation No. 92082065

Olivet Nazarene University

v.

Upper Columbia Media Association

By the Trademark Trial and Appeal Board:

On June 29, 2023, the Board issued an order suspending these proceedings until the issues were properly joined in accordance with the order. 10 TTABVUE. Petitioner was allowed until twenty (20) days from the date of the order in which to file and serve an amended petition to cancel, failing which Respondent was allowed until twenty (20) days from when Petitioner's amended pleading would have been due to file and serve an answer to the originally-filed petition to cancel, as restricted by the order. Petitioner did not file an amended petition, so in light of the foregoing Respondent was required to file and serve its answer to the originally-filed petition to cancel within forty (40) days of the order, or by Tuesday, August 8, 2023. Respondent did not file an answer.

Inasmuch as it appears that no answer has been filed, nor has Respondent filed a motion to further extend the time to file an answer, **notice of default is hereby entered** against Respondent pursuant to Fed. R. Civ. P. 55(a).

Accordingly, proceedings remain **suspended**. Respondent is allowed until **thirty (30) days** from the mailing 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)(1), 37 C.F.R. § 2.114(a)(1).

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