

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 27, 2014

Opposition No. 91213773

Wrangler Apparel Corp.

v.

Cubism Inc.

Nicole Thier, Paralegal Specialist:

No answer having been timely received, the Board issued notice of default to applicant, on January 30, 2014, allowing it thirty days in which to show cause why judgment should not be entered against it. Now before the Board is applicant's February 27, 2014 motion to set aside the notice of default and to extend time for applicant to file an answer to the notice of opposition.

In the motion, applicant states that the parties have been in negotiations to settle this matter and applicant believed that the parties would settle before applicant's time for filing its answer, and that applicant seeks additional to file its answer. In view thereof, the Board finds good cause to discharge applicant's default. Fed. R. Civ. P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly,

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applicant's motion is granted as modified, the notice of default is set aside, and applicant is allowed until April 26, 2014, to file an answer to the notice of opposition (or otherwise extend or suspend its time to answer).¹

Dates are reset as follows:

Time to Answer	4/26/2014
Deadline for Discovery Conference	5/26/2014
Discovery Opens	5/26/2014
Initial Disclosures Due	6/25/2014
Expert Disclosures Due	10/23/2014
Discovery Closes	11/22/2014
Plaintiff's Pretrial Disclosures	1/6/2015
Plaintiff's 30-day Trial Period Ends	2/20/2015
Defendant's Pretrial Disclosures	3/7/2015
Defendant's 30-day Trial Period Ends	4/21/2015
Plaintiff's Rebuttal Disclosures	5/6/2015
Plaintiff's 15-day Rebuttal Period Ends	6/5/2015

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

¹ Inasmuch as the time for filing its answer, as set forth in applicant's proposed trial schedule has passed, the Board has reset the trial dates accordingly.