

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: August 15, 2014

Opposition No. 91214528

Shirley's World, L.P.

v.

Earl C. J. Prater

Nicole Thier, Paralegal Specialist:

No answer having been timely received, the Board issued notice of default to applicant, on June 16, 2014, allowing it thirty days in which to show cause why judgment should not be entered against it. Now before the Board is opposer's consented motion to set aside the notice of default and to suspend proceedings for ninety days to accommodate the parties' ongoing settlement efforts.

In the motion, opposer states that the parties have been engaged in ongoing settlement negotiations, that applicant's failure to file a timely answer was inadvertent, that applicant wishes to set aside the notice of default, that opposer does not object thereto and has in fact filed the motion on behalf of applicant. 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).

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Accordingly, opposer's consented motion is granted, the notice of default is set aside, and proceedings herein are suspended until November 11, 2014, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

Applicant is allowed until December 12, 2014, in which to answer the notice of opposition. Conferencing, disclosure, discovery and trial dates are reset as follows:

Proceedings Resume	11/12/2014
Time to Answer	12/12/2014
Deadline for Discovery Conference	1/11/2015
Discovery Opens	1/11/2015
Initial Disclosures Due	2/10/2015
Expert Disclosures Due	6/10/2015
Discovery Closes	7/10/2015
Plaintiff's Pretrial Disclosures	8/24/2015
Plaintiff's 30-day Trial Period Ends	10/8/2015
Defendant's Pretrial Disclosures	10/23/2015
Defendant's 30-day Trial Period Ends	12/7/2015
Plaintiff's Rebuttal Disclosures	12/22/2015
Plaintiff's 15-day Rebuttal Period Ends	1/21/2016

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.

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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. If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.¹

¹ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.