

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: March 14, 2016

Opposition No. 91224781

Birchbox, Inc.

v.

BirdieBox, LLC

Nicole Thier, Paralegal Specialist:

No answer having been timely received, the Board issued notice of default to Applicant, on January 21, 2016, 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 15, 2016 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 engaged in on-going settlement negotiations, that Applicant's failure to file a timely answer was inadvertent, that Applicant wishes to set aside the notice of default, requests additional time to file an 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, Applicant's motion is granted, the notice of default is set aside, and Applicant is allowed until

June 3, 2010, to file an answer to the notice of opposition (or otherwise extend or suspend its time to answer).

Dates are reset as follows.

Time to Answer	4/13/2016
Deadline for Discovery Conference	5/13/2016
Discovery Opens	5/13/2016
Initial Disclosures Due	6/12/2016
Expert Disclosures Due	10/10/2016
Discovery Closes	11/9/2016
Plaintiff's Pretrial Disclosures	12/24/2016
Plaintiff's 30-day Trial Period Ends	2/7/2017
Defendant's Pretrial Disclosures	2/22/2017
Defendant's 30-day Trial Period Ends	4/8/2017
Plaintiff's Rebuttal Disclosures	4/23/2017
Plaintiff's 15-day Rebuttal Period Ends	5/23/2017

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.