

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: September 27, 2016

Opposition No. 91228569

Paper Ink Press, LLC

v.

True Fabrications, Inc.

Joi M Wilson, Paralegal Specialist:

Applicant's motion (filed August 31, 2016) for leave to file and accept its late answer is granted as conceded. Trademark Rule 2.127(a). Applicant's response to the notice of default indicates that Applicant's failure to file a timely response to the notice of opposition was "due to a miscommunication by its counsel, as Applicant was under the impression that the answer was timely filed."

Under Fed. R. Civ. P. 55(c), default may be set aside "for good cause shown." As a general rule, good cause to set aside an Applicant's default will be found where the Applicant's delay has not been willful or in bad faith, where prejudice to the Opposer is lacking and where the Applicant has a meritorious defense. Moreover, the Board is reluctant to grant judgments by default, since the law favors deciding cases on their merits.

Insofar as Applicant's failure to timely answer the notice of opposition was not willful or in bad faith, Opposer will not suffer prejudice given that this proceeding is in its early stages and Applicant's proposed answer establishes that Applicant has a meritorious defense, the notice of default is hereby set aside.

Applicant's proposed answer is accepted and is now Applicant's operative pleading herein. Conferencing, disclosure, discovery, trial and other dates are reset as follows:

Deadline for Discovery Conference	10/29/2016
Discovery Opens	10/29/2016
Initial Disclosures Due	11/28/2016
Expert Disclosures Due	3/28/2017
Discovery Closes	4/27/2017
Plaintiff's Pretrial Disclosures	6/11/2017
Plaintiff's 30-day Trial Period Ends	7/26/2017
Defendant's Pretrial Disclosures	8/10/2017
Defendant's 30-day Trial Period Ends	9/24/2017
Plaintiff's Rebuttal Disclosures	10/9/2017
Plaintiff's 15-day Rebuttal Period Ends	11/8/2017

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 taking of testimony. Trademark Rule 2.125.

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