

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: April 21, 2016

Opposition No. 91223575

*Pinkette Clothing, Inc.*

*v.*

*Lawrence Mallard*

**Nicole Thier, Paralegal Specialist:**

Inasmuch as Applicant did not file an answer by the last due date nor did it file a timely request to extend its time to answer, the Board issued a notice of default on January 4, 2016. On January 31, 2016, Applicant requested and was granted an additional 30 days to receive attorney assistance in additional evidence gathering to file its answer.

On March 25, 2016, the Board allowed Applicant an additional 15 days to file a response to the notice of default, including an answer to the notice of opposition.

On April 11, 2016, Applicant filed its response to the Board's default notice concurrently with its answer.

Whether default judgment should be entered against a party is determined in accordance with Fed. R. Civ. P. 55(c), which reads in pertinent part: "for good cause shown the court may set aside an entry of default." As a general rule, good cause to set aside a defendant's default will be found where the defendant's delay has not

been willful or in bad faith, when prejudice to the plaintiff is lacking, and where defendant has a meritorious defense. *See Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991).

In this case, the Board finds that the reasons for applicant's delay were not willful or in bad faith.

In view of the foregoing, default is hereby set aside and Applicant's answer to the notice of opposition is noted and accepted.

Discovery, conferencing and disclosure deadlines, as well as trial dates are reset as indicated below:

Deadline for Discovery Conference	<b>5/21/2016</b>
Discovery Opens	<b>5/21/2016</b>
Initial Disclosures Due	<b>6/20/2016</b>
Expert Disclosures Due	<b>10/18/2016</b>
Discovery Closes	<b>11/17/2016</b>
Plaintiff's Pretrial Disclosures	<b>1/1/2017</b>
Plaintiff's 30-day Trial Period Ends	<b>2/15/2017</b>
Defendant's Pretrial Disclosures	<b>3/2/2017</b>
Defendant's 30-day Trial Period Ends	<b>4/16/2017</b>
Plaintiff's Rebuttal Disclosures	<b>5/1/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/31/2017</b>

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.