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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91255637
Party	Plaintiff Seattle Pacific Industries, Inc.
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Submission	Motion for Default Judgment
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Attachments	Motion for Entry of Default Judgment.pdf(269161 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Seattle Pacific Industries, Inc.,)	
)	Opposition No. 91255637
Opposer,)	
)	Serial No. 88712430
v.)	
)	
Brittnay D. Cotton)	
)	
Applicant.)	Docket No. 920006.80092
)	
)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Pursuant to TBMP 312 and 508, Opposer Seattle Pacific Industries, Inc. (“SPI”) hereby moves the Board for entry of a default judgment against Applicant Brittnay D. Cotton (“Applicant”) due to Applicant’s failure to timely file an answer to SPI’s Notice of Opposition.

According to the Board’s May 5, 2020 Scheduling Order, Applicant’s answer was due on June 14, 2020. However, Applicant did not file an answer until June 19, 2020. Applicant is therefore in default. *See* TBMP 312.01 (“In the case where a notice of default has not yet issued and a defendant files a late answer, a party is technically in default.”).

As a result of Applicant’s default, “the parties’ obligations to conference and, subsequently, to make initial disclosures [have been] stayed until the issue of default is resolved.” *Id*; *see also* TBMP 401.01 (“In instances, however, where the defendant is in default, . . . the parties’ obligation to have a discovery conference is tolled or effectively stayed.”); TBMP 508 (“Whenever a defendant is in default, . . . a defendant’s failure to file a timely answer tolls all deadlines including the time for the parties to conduct the required discovery

conference.”). Accordingly, the parties have not continued to litigate this proceeding after Applicant’s late-filed answer, and Applicant’s technical default therefore has not been waived. *See* TBMP 312.01. Nor has Applicant requested that the Board set aside the technical default or otherwise attempted to explain her untimely answer.

SPI therefore requests that the Board enter a default judgment against Applicant and grant the relief requested in SPI’s Notice of Opposition.

In the alternative, to the extent that the Board determines that entry of default judgment is not appropriate at this time in this proceeding, SPI requests that all dates in the proceeding be reset. *See* TBMP 508.

DATED this 6th day of January, 2021.

Respectfully submitted,
SEED IP Law Group LLP

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SEATTLE PACIFIC INDUSTRIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January 2021, the foregoing **Motion for Entry of Default Judgment** was served upon Applicant's counsel via email:

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/Jennifer Ruppert/
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