ESTTA Tracking number: **ESTTA1384185**
Filing date: **09/17/2024**

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

Proceeding no.	91292975
Party	Plaintiff F.P. Trademark Holdings, LLC, Willard C. Smith II
Correspondence address	JILL M. PIETRINI, ESQ. SHEPPARD MULLIN RICHTER & HAMPTON LLP 1901 AVENUE OF THE STARS, SUITE 1600 LOS ANGELES, CA 90067 UNITED STATES Primary email: jpietrini@sheppardmullin.com Secondary email(s): pbost@sheppardmullin.com, baigboboh@sheppardmullin.com, shwang@sheppardmullin.com, mdanner@sheppardmullin.com, rlhudson@sheppardmullin.com, lglenn@sheppardmullin.com, rwalsh@sheppardmullin.com, baanderson@sheppardmullin.com, trademarkscc@sheppardmullin.com, rreddy@sheppardmullin.com 13102283700
Submission	Motion for Default Judgment
Filer's name	Jill M. Pietrini
Filer's email	PBost@SheppardMullin.com, BAigboboh@SheppardMullin.com, SHwang@SheppardMullin.com, MDanner@SheppardMullin.com, LGlenn@SheppardMullin.com, RWalsh@SheppardMullin.com, TRademarksCC@SheppardMullin.com, RReddy@SheppardMullin.com, BAAnderson@SheppardMullin.com, RLHudson@SheppardMullin.com, JPietrini@SheppardMullin.com
Signature	/Jill M. Pietrini/
Date	09/17/2024
Attachments	Motion for Default Judgment Fresh prince of Childcare .pdf(117626 bytes)

Docket No. 29WW-395504

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

In re Matter of Application No. 97/917421 for the mark: **THE FRESH PRINCE OF CHILDCARE** in Class 41 Willard C. Smith, II and F.P. Trademark Holdings, LLC, Opposers, vs. The Fresh Prince of Childcare LLC, Applicant.	Opposition No. 91-292975 **OPPOSERS WILLARD C. SMITH, II AND F.P. TRADEMARK HOLDINGS, LLC'S MOTION FOR DEFAULT JUDGMENT**

Pursuant to TBMP § 508, Opposers Willard C. Smith, II And F.P. Trademark Holdings, LLC'S ("Opposers") hereby move the Board for an order entering default judgment in favor of Opposer and against Applicant The Fresh Prince of Childcare LLC ("Applicant") for its failure to timely respond to the Notice of Opposition. 1 TTABVUE.

The Board provided notice to Applicant of the institution of the action on July 30, 2024 and ordered Applicant to file and serve its response to the Notice of Opposition. The deadline for the answer was September 8, 2024. 2 TTABVUE. As of the filing of this motion, Applicant has still not filed an answer to the notice of opposition nor requested an extension. Applicant has failed to file an answer and cannot establish good cause for why default judgment should not be entered against it.

In the event a defendant in an *inter partes* proceeding fails to file an answer to a notice of opposition during the time allowed therefor, "the plaintiff, realizing that the defendant is in default, may file a motion for default judgment (in which case the motion may serve as a

substitute for the Board's issuance of a notice of default)." TBMP § 508. Default judgment may be entered when the defendant – in this case, Applicant – cannot show good cause why default judgment should not be entered against it. *Id*. and TBMP § 312.01. Here, Applicant cannot show good cause, so the Board should enter default judgment against Applicant.

Because Applicant has failed to file an answer, the Board should enter default judgment for Opposer and against Applicant.

Respectfully submitted,

Dated: September 17, 2024

/Jill M. Pietrini/
Jill M. Pietrini
Paul A. Bost
Ramchandra Reddy
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017
(310) 228-3700
Attorneys for Opposers Willard C. Smith, II and F.P. Trademark Holdings, LLC

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that **OPPOSERS WILLARD C. SMITH, II AND F.P. TRADEMARK HOLDINGS, LLC'S MOTION FOR DEFAULT JUDGMENT** is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 17th day of September, 2024.

/LaTrina A. Glenn/
LaTrina A. Glenn

CERTIFICATE OF SERVICE

I hereby certify that the **OPPOSERS WILLARD C. SMITH, II AND F.P. TRADEMARK HOLDINGS, LLC'S MOTION FOR DEFAULT JUDGMENT** is being sent by electronic mail addressed to Legal@RJPierceLaw.com, Info@RJPierceLaw.com, Oscar@RJPierceLaw.com, Sarah@RJPierceLaw.com, and Rosezena@RJPierceLaw.com on this 17th day of September, 2024.

/LaTrina A. Glenn/
LaTrina A. Glenn

SMRH:4868-4478-4099.2