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

Proceeding	92066798
Party	Defendant Pride Manufacturing Company, LLC
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Date	11/06/2017
Attachments	MOTION TO SET ASIDE NOTICE OF DEFAULT 92066798.pdf(32965 bytes)

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

In the Matter of United States Trademark:
Mark: PRIDE EVOLUTION
Registrant: Pride Manufacturing Company, Inc.
Registration No.: 5,049,578
Registered: September 27, 2016

EVOLVE GOLF, INC.,

Petitioner,

v.

**PRIDE MANUFACTURING COMPANY,
INC.,**

Registrant.

PROCEEDING NO.: 92066798

MOTION TO SET ASIDE NOTICE OF DEFAULT

COMES NOW Registrant Pride Manufacturing Company, Inc., (“Pride”), by and through its counsel of record, and requests that the Board set aside the Notice of Default that was issued against it on October 28, 2017. In support of this request, Applicant states as follows:

1. Petitioner Evolve Golf Inc., (“Evolve”) initially filed its Petition for Cancellation on September 1, 2017.
2. Subsequent to the institution of this proceeding, the undersigned counsel was retained to represent Pride.
3. On October 9, 2017, the undersigned reached out to counsel for Evolve to discuss these issues.
4. At that point, counsel for Evolve consented to a 30-day extension of time in which Pride could file its Answer in the instant proceeding in light of settlement discussions.

5. At the time that this proceeding was initiated, Pride and Evolve were also involved in civil litigation in the United States District Court for the District of Delaware, Cause No. 15-1035-SRF (the “Civil Action”).

6. The undersigned counsel is not counsel for Pride in the Civil Action.

7. In the Civil Action, Pride and Evolve filed a stipulation on October 13, 2017, wherein they recited that “the parties have reached an agreement in principle and require additional time merely to reach agreement on a final written settlement agreement and obtain necessary signatures of the written agreement.” As a result, Pride and Evolve requested that the Civil Action be stayed until November 13, 2017.

8. Upon information and belief, the settlement proposed in the Civil Action would have also mooted the instant case.

9. Pride believed that the settlement, which would resolve this matter, would be completed prior to October 15, which was the date initially set for Pride to file its Answer in this proceeding.

10. As a result, Pride inadvertently neglected to file a Consent Motion to Extend the Answer Time in this proceeding prior to October 15.

11. Pride’s inadvertent actions were not as a result of any willful conduct or gross neglect; rather, it was a good-faith belief that a settlement would be finalized, thus mooting this action.

12. Evolve will not be prejudiced by setting aside this default. Indeed, Evolve had already consented to an extension of time to and including November 15 for Pride to file its Answer in this action. Together with this Motion, Pride is filing a Consent Motion to set the Answer date to November 15 – the date on which the parties already agreed.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was served by Electronic Mail and United States Mail, postage prepaid, this 6th day of November, 2017, to:

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/ John M. Challis /