

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mermelstein/cv

Mailed: December 16, 2002

Opposition No. 91117179

GUY M. BIEDERMAN, JR.

v.

NTC/CONTEMPORARY PUBLISHING

David Mermelstein, Attorney:

On July 3, 2002, following withdrawal of opposer's counsel, the Board issued an order allowing opposer thirty days in which to show cause why the opposition should not be dismissed in light of opposer's failure to retain new counsel or to inform the Board that it would represent itself. Opposer filed no response.

On September 19, 2002, due to clerical error, the Board inadvertently entered default judgment against applicant.

Now before the Board is applicant's motion to set aside the judgment, pursuant to Fed. R. Civ. P. 60(b). Applicant's motion is granted, under Fed. R. Civ. P. 60(a), due to the Board's clerical error. Accordingly, the judgment entered September 19, 2002, is VACATED. The Board regrets the error and thanks applicant for calling it to the

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Board's attention. The subject application will be reinstated as promptly as possible.

Finally, we note again opposer's failure to respond to the Board's July 3, 2002, order to show cause based on opposer's apparent loss of interest in this case.

Inasmuch as no response to the Board's order has been received, judgment is hereby entered *against opposer* and the opposition is dismissed with prejudice.

***By the Trademark Trial
and Appeal Board***