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04-12-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
TRADEMARK TRIAL & APPEAL BOARD**

Hewlett-Packard Company	§	Opposition No. 121,759
	§	
Opposer	§	Trademark Application No. 75/858,178
	§	
v.	§	
	§	
HopOne Internet Corporation	§	Published: <i>U. S. Official Gazette</i>
	§	September 26, 2000
Applicant	§	TM 94

**OPPOSER'S RESPONSE TO APPLICANT'S RESPONSE
TO DEFAULT JUDGMENT**

Hewlett-Packard Company, Opposer in the above-referenced matter, files this response to Applicant's Response to the Board's Default Judgment. Because Applicant requests the Board to presumably set aside the default judgment, Opposer is responding to this request. Although Applicant's Request to set aside the default judgment was by letter dated March 9, 2002, it appears that the actual date is April 8, 2002 as shown in the second page of the Request. Additionally, Opposer's counsel received Applicant's document by overnight mail on April 9, 2002.

Applicant submits that the Board's Default Judgment is unfounded because a response to Opposer's Motion for Default Judgment was sent on March 9, 2002. In that response, Applicant purports to answer the complaint by separately responding to the allegations in the original complaint. Applicant fails, however, to state why it waited until March 9, 2002 to respond to Opposer's Motion for Default Judgment dated February 11, 2002. Pursuant to 37 CFR § 2.127, combined with 37 CFR § 2.119(c), Applicant was required to respond to Opposer's Motion for Default Judgment no later than twenty days from the date of the motion. Accordingly, Applicant had until March 4, 2002 to respond. Again, Applicant was late. Applicant's own documents show that the response was not deposited at the Trademark Trial & Appeal Board until March 12, 2002. Thus, even assuming the Board considers Applicant's motion of March 9, 2002 to include its answer, the answer is still late and Applicant is in default.

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WHEREFORE, Opposer respectfully requests that the Board deny any request by Applicant to set aside the default judgment and that the default judgment remain.

Please note Applicant's counsel's change of address below.

Date: April 10, 2002

Respectfully submitted,



Molly Buck Richard
Thompson & Knight
1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201-4693
Telephone: (214) 969-1677
Facsimile: (214) 999-9277
Email: richardm@tklaw.com

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **Opposer's Response to Applicant's Response to Default Judgment** has been forwarded this 10th day of April, 2002 to:

Mr. Haralds Jass
President & CEO
HopOne Internet Corporation
1010 Wisconsin Avenue NW, Suite 303
Washington, D.C. 20007-3603


Molly Buck Richard