

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE B392-050
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- X



HARIBO OF AMERICA, INC., :

03-17-2003

Opposer, :

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

v. :

Opposition No. 91153130

CADBURY TREBOR ALLAN INC. :

Applicant. :

----- X

APPLICANT'S RESPONSE TO NOTICE RE DEFAULT JUDGMENT

Applicant, Cadbury Trebor Allan Inc., hereby responds to a notice issued by the Board on March 5, 2003 requesting Applicant to show cause why a default judgment should not be entered in the above identified opposition proceeding. For the reasons set forth below, Applicant respectfully submits that entry of a default judgment is not appropriate at this time.

03 MAR 17 10 09:30
TRADEMARK TRIAL AND APPEAL BOARD

The above opposition proceeding was instituted on October 17, 2002. Prior to the November 26, 2002 deadline for filing an answer, attorneys for Opposer, Haribo of America, Inc., and Applicant engaged in discussions with respect to possible settlement of the issues raised in the proceeding. During a telephone discussion on November 7, 2002 and confirmed by letter dated November 12, 2002, Opposer's attorneys agreed to an extension of time to answer the notice of opposition until December 31, 2002. Attached hereto as Exhibit 1 is a copy of a Motion on Consent requesting that extension, which was served and filed on January 21, 2003.

In a telephone discussion on December 12, 2002 and confirmed by letter dated December 16, 2002, Opposer's attorneys agreed to a further thirty-day extension of the time to answer until January 30, 2002 in order to permit settlement discussions to continue. Attached hereto as

Exhibit 2 is a copy of a Motion on Consent requesting that extension, which was served and filed on January 21, 2003.

In a telephone discussion on January 21, 2003, Opposer's attorneys agreed to a further thirty-day extension of the time to answer until March 1, 2003 in order to permit settlement discussions to continue. Attached hereto as Exhibit 3 is a copy of a Motion on Consent requesting that extension, which was served and filed on January 21, 2003.

Opposer's attorneys agreed to a further thirty-day extension of the time to answer until March 31, 2003 in order to permit settlement discussions to continue. Attached hereto as Exhibit 4 is a copy of a Motion on Consent requesting that extension, which was served and filed on February 26, 2003.

Applicant is awaiting Opposer's response to its settlement proposal. While Applicant is hopeful that these discussions will result in a settlement of the issues raised in the opposition proceeding, Applicant is prepared to defend the opposition should these settlement discussions prove unfruitful.

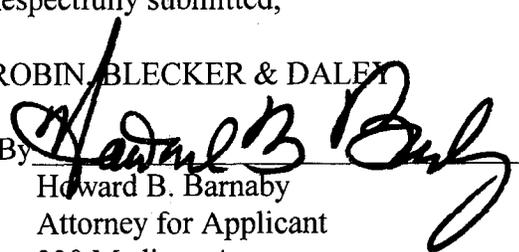
In view of the foregoing, it is respectfully requested that the Board refrain from entering a default judgment in this proceeding and that it allow the proceedings to continue while the parties engage in ongoing good faith settlement discussions.

Dated: March 12, 2003

Respectfully submitted,

ROBIN BLECKER & DALEY

By


Howard B. Barnaby
Attorney for Applicant
330 Madison Avenue
New York, New York 10017
(212) 682-9640

CERTIFICATE OF SERVICE

A copy of the foregoing "Applicant's Response to Notice Re Entry of Default Judgment" was served on Kathleen Cooney-Porter, Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314, attorneys for opposer, by mailing a copy thereof, first class mail, postage prepaid, this 12th day of March, 2003.

David B. By

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE B392-050
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- X
HARIBO OF AMERICA, INC., :

Opposer, :

v. :

CADBURY TREBOR ALLAN INC. :

Applicant. :

----- X



03-17-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7d

Opposition No. 91153130

MOTION ON CONSENT

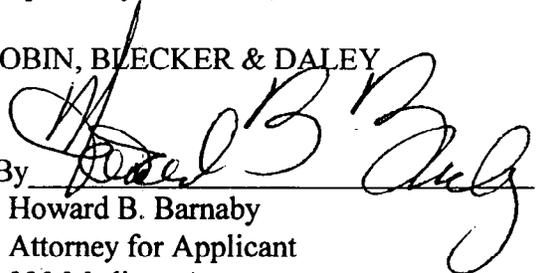
Applicant, Cadbury Trebor Allan Inc., hereby moves pursuant to Rule 2.127 of the Trademark Rules of Practice, for an extension of its time to answer, move or otherwise plead in connection with the notice of opposition filed in the above-identified proceeding from November 26, 2002 to and including December 31, 2002. In a telephone discussion on November 7, 2002 as confirmed by a letter dated November 12, 2002, the attorney for opposer, Haribo of America, Inc., consented to the requested extension of time to answer to permit the parties to discuss settlement of the opposition.

WHEREFORE, applicant respectfully requests that its motion on consent be granted.

Dated: New York, New York
January 21, 2003

Respectfully submitted,

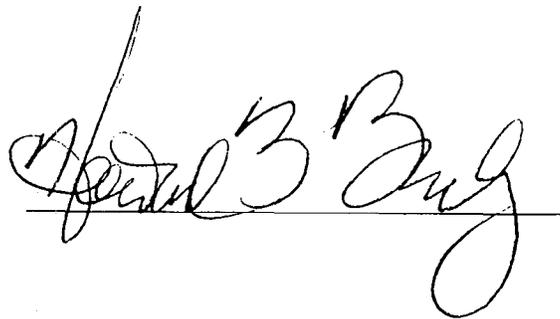
ROBIN, BLECKER & DALEY

By 

Howard B. Barnaby
Attorney for Applicant
330 Madison Avenue
New York, New York 10017
(212) 682-9640

CERTIFICATE OF SERVICE

A copy of the foregoing "Motion on Consent" was served on Kathleen Cooney-Porter, Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314, attorneys for opposer, by mailing a copy thereof, first class mail, postage prepaid, this 21st day of January, 2003.

A handwritten signature in cursive script, appearing to read "David B. Bug", is written over a horizontal line.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

Opposition No: 91153130

Parties: Haribo of America, Inc. v. Cadbury
Trebor Allan, Inc.

Documents: Motion on Consent (original and 2 copies),
Certificate of Mailing, Return Card

I hereby certify that the above-identified correspondence, which is attached, is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

Commissioner for Trademarks
BOX TTAB NO FEE
2900 Crystal Drive
Arlington VA 22202-3513

on: January 21, 2003

Monica Hendricks

Name of Person Making Deposit



Signature of Person Making Deposit

January 21, 2003

Date of Signature

PTDD:MH

1-21-03

6392-050 ✓

HON. COMMISSIONER OF PATENTS:

We are forwarding herewith Motion on Consent / orig + 2 copies (Cert. of Mailing, Return card) in the application of Harold B. America, Inc. v. Cadbury Tobacco Alkali, Inc. Serial No. Opp. No. 91153130

for _____

filed _____; in Group

Kindly have the Mail Room stamp this card
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01-24-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #76

Respectfully,

ROBIN, BLECKER & DALEY

EXPRESS MAIL LABEL NO. _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE B392-050
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- X



HARIBO OF AMERICA, INC., :

03-17-2003

Opposer, :

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

v. :

Opposition No. 91153130

CADBURY TREBOR ALLAN INC. :

Applicant. :

----- X

MOTION ON CONSENT

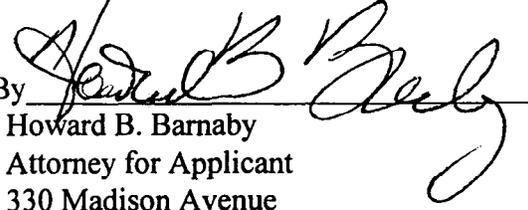
Applicant, Cadbury Trebor Allan Inc., hereby moves pursuant to Rule 2.127 of the Trademark Rules of Practice, for a thirty-day extension of its time to answer, move or otherwise plead in connection with the notice of opposition filed in the above-identified proceeding from December 31, 2002 to and including January 30, 2002. In a telephone discussion on December 12, 2002 as confirmed by a letter dated December 16, 2002, the attorneys for opposer, Haribo of America, Inc., consented to the requested extension of time to answer to permit the parties to continue settlement discussions.

WHEREFORE, applicant respectfully requests that its motion on consent be granted.

Dated: New York, New York
January 21, 2003

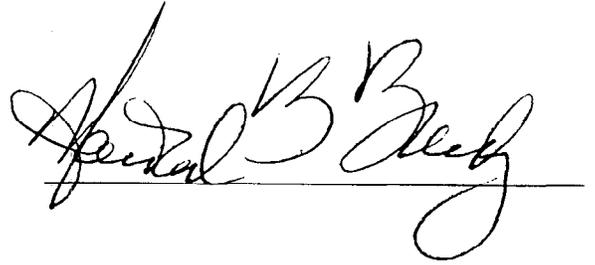
Respectfully submitted,

ROBIN, BLECKER & DALEY

By 
Howard B. Barnaby
Attorney for Applicant
330 Madison Avenue
New York, New York 10017
(212) 682-9640

CERTIFICATE OF SERVICE

A copy of the foregoing "Motion on Consent" was served on Kathleen Cooney-Porter, Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314, attorneys for opposer, by mailing a copy thereof, first class mail, postage prepaid, this 21st day of January, 2003.



A handwritten signature in cursive script, appearing to read "Steven B. Bly", is written over a horizontal line.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

Opposition No: 91153130

Parties: Haribo of America, Inc. v. Cadbury
Trebor Allan, Inc.

Documents: Motion on Consent (original and 2 copies),
Certificate of Mailing, Return Card

I hereby certify that the above-identified correspondence, which is attached, is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

Commissioner for Trademarks
BOX TTAB NO FEE
2900 Crystal Drive
Arlington VA 22202-3513

on: January 21, 2003

Monica Hendricks

Name of Person Making Deposit



Signature of Person Making Deposit

January 21, 2003

Date of Signature

NO. 1111
HON. COMMISSIONER OF PATENTS:

0372-050 ✓

We are forwarding herewith Motion on Consent (orig + 2 copies), Return card in the ^{opposition} application of Haribo of America, Inc v. Inc. Cadbury Trebor Allan, Inc. Serial No. opp. no. 91153130

for _____



filed _____; in Group _____

Kindly have the Mail Room stamp this card
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01-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7:

Respectfully,

ROBIN, BLECKER & DALEY

EXPRESS MAIL LABEL NO. _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE B392-050
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- x
HARIBO OF AMERICA, INC., :

Opposer, :

v. :

CADBURY TREBOR ALLAN INC. :

Applicant. :



03-17-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

Opposition NO. 91153130

----- x
MOTION ON CONSENT

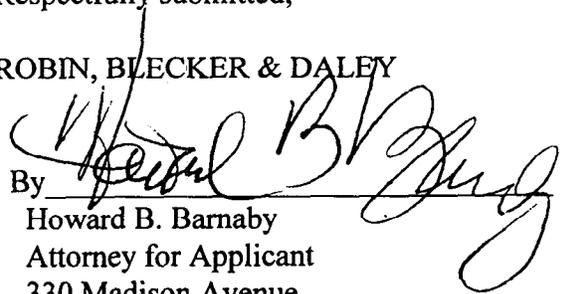
Applicant, Cadbury Trebor Allan Inc., hereby moves pursuant to Rule 2.127 of the Trademark Rules of Practice, for a thirty-day extension of its time to answer, move or otherwise plead in connection with the notice of opposition filed in the above-identified proceeding from January 30, 2003 to and including March 1, 2003. In a telephone discussion on January 21, 2003, the attorneys for opposer, Haribo of America, Inc., consented to the requested extension of time to answer to permit the parties to continue settlement discussions.

WHEREFORE, applicant respectfully requests that its motion on consent be granted.

Dated: New York, New York
January 21, 2003

Respectfully submitted,

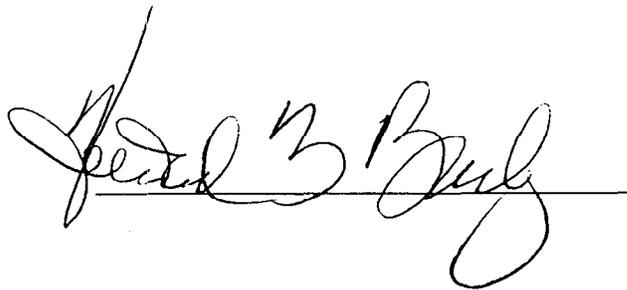
ROBIN, BLECKER & DALEY

By 

Howard B. Barnaby
Attorney for Applicant
330 Madison Avenue
New York, New York 10017
(212) 682-9640

CERTIFICATE OF SERVICE

A copy of the foregoing "Motion on Consent" was served on Kathleen Cooney-Porter, Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314, attorneys for opposer, by mailing a copy thereof, first class mail, postage prepaid, this 21st day of January, 2003.

A handwritten signature in cursive script, appearing to read "Paul B. Byrd", is written over a horizontal line. The signature is located on the right side of the page.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

Opposition No: 91153130

Parties: Haribo of America, Inc. v. Cadbury
Trebor Allan, Inc.

Documents: Motion on Consent (original and 2 copies),
Certificate of Mailing, Return Card

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Arlington VA 22202-3513

on: January 21, 2003

Monica Hendricks

Name of Person Making Deposit



Signature of Person Making Deposit

January 21, 2003

Date of Signature

HBB:MH
HON. COMMISSIONER OF PATENTS:

1-21-03

B392-050

We are forwarding herewith Motion on Consent (orig & 2 copies)
Certif of Mailing, Return card in the ^{opposition} application of
Haribo of America, Inc
cadbury Trebor Alton, Inc Serial No. Opp. No 91153136

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filed _____; in Grc



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01-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72

Respectfully,
ROBIN, BLECKER & DALEY

EXPRESS MAIL LABEL NO. _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE B392-050
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



----- x
HARIBO OF AMERICA, INC., :

03-17-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

Opposer, :

v. : Opposition No. 91153130

CADBURY TREBOR ALLAN INC. :

Applicant. :

----- x

MOTION ON CONSENT

Applicant, Cadbury Trebor Allan Inc., hereby moves pursuant to Rule 2.127 of the Trademark Rules of Practice, for a thirty-day extension of its time to answer, move or otherwise plead in connection with the notice of opposition filed in the above-identified proceeding from March 1, 2003 to and including March 31, 2003. The attorneys for opposer, Haribo of America, Inc., consented to the requested extension of time to answer to permit the parties to continue settlement discussions.

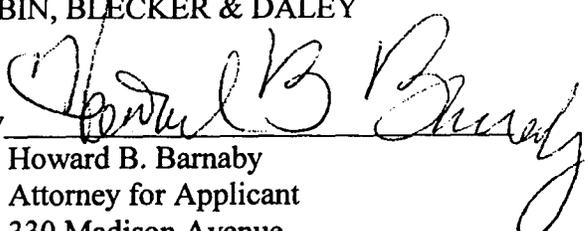
WHEREFORE, applicant respectfully requests that its motion on consent be granted.

Dated: New York, New York
February 26, 2003

Respectfully submitted,

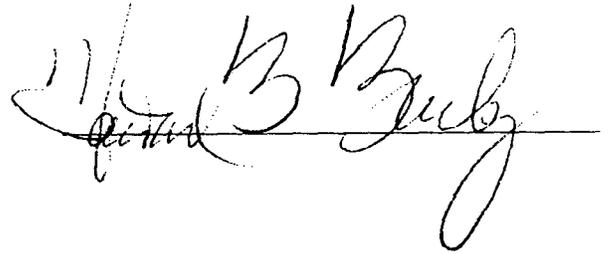
ROBIN, BLECKER & DALEY

By


Howard B. Barnaby
Attorney for Applicant
330 Madison Avenue
New York, New York 10017
(212) 682-9640

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A handwritten signature in cursive script, appearing to read "Paul B. Ruby", is written over a horizontal line. The signature is written in dark ink and is positioned in the right-center of the page.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

Opposition No: 91153130

Parties: Haribo of America, Inc. v. Cadbury
Trebor Allan, Inc.

Documents: Motion on Consent (original and 2 copies),
Certificate of Mailing, Return Card

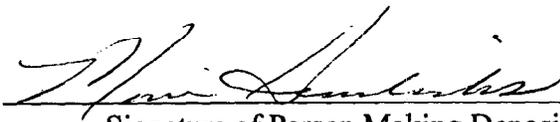
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2900 Crystal Drive
Arlington VA 22202-3513

on: February 26, 2003

Monica Hendricks

Name of Person Making Deposit



Signature of Person Making Deposit

February 26, 2003

Date of Signature

150 . MN 2-20-03
HON. COMMISSIONER OF PATENTS:

2372-0301

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Copy of Mailing, Return card in the ^{opposition} application of
Haribo of America, Inc. v. Cadbury Treloar Allen, Inc.
Serial No. Off. No. 91153130

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02-28-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

Respectfully,

ROBIN, BLECKER & DALEY

EXPRESS MAIL LABEL NO. _____

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

Opposition No: 91153130

Parties: Haribo of America, Inc. v. Cadbury
Trebor Allan, Inc.

Documents: Applicant's Response to Notice re Default
Judgment, Certificate of Mailing, Return Card

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BOX TTAB NO FEE
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Arlington VA 22202-3513

on: March 12, 2003

Monica Hendricks

Name of Person Making Deposit



Signature of Person Making Deposit

March 12, 2003

Date of Signature