

ESTTA Tracking number: **ESTTA301152**

Filing date: **08/14/2009**

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

Proceeding	91160122
Party	Defendant Christopher P. Risi
Correspondence Address	LOUIS J KNOBBE KNOBBE MARTENS OLSON & BEAR LLP 2040 Main Street, Fourteenth Floor Irvine, CA 92614 UNITED STATES jhh@kmob.com, efilng@kmob.com
Submission	Other Motions/Papers
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Signature	/jhh/
Date	08/14/2009
Attachments	RISI.003MSetAside.pdf (6 pages)(202526 bytes)

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

Wilhelm Sihm Jr. KG,
Opposer,

v.

Christopher P. Risi,
Applicant.

) Opposition No.: 91160122
) Serial No.: 76/161,586

) I hereby certify that this correspondence and all marked
) attachments are being deposited with the United States Patent
) and Trademark Office, Trademark Trial and Appeal Board via
) electronic filing through their website located at
) <http://esta.uspto.gov> on

8.14.09

(Date)

JOINT MOTION TO SET ASIDE DEFAULT JUDGMENT

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Applicant and Opposer, through their respective counsel, file this joint motion to set aside the Board's Notice of Default. Applicant and Opposer have been diligently trying to settle this matter and have recently achieved settlement. In fact, the parties are simultaneously filing with this motion, a Joint Motion For Amendment Of Applications And Withdrawal Oppositions Without Prejudice (a copy of which is attached as Exhibit 1). Upon the amendment of the identification of goods in the application, the opposition will be withdrawn.

Applicant's deadline to file its Answer, as last reset by the Board, was June 30, 2009. On June 29, 2009, the parties stipulated to an extension of time for Applicant to file its Answer and timely filed a motion with the Board (along with a motion to extend the trial dates). On July 14, 2009, the Board denied the parties extension request and issued a Notice of Default on July 20, 2009.

The parties believe that the Notice of Default was issued in error should be set aside as the parties did not intend for Applicant's deadline to file its Answer to pass. In fact, the parties had agreed to an extension of the time for Applicant to file its Answer. The parties requested this additional time as it was required to finalize settlement which would render the opposition moot. The parties believe that good cause is shown for setting aside the Notice of Default as the delay in filing the answer was not the result of willful conduct or gross neglect on the part of the defendant. The parties agreed to extend the deadline for Applicant to file its Answer and intended for the Board to enter the extension. Moreover, Opposer will not be substantially prejudiced by the delay in setting aside the Notice of Default. In fact, Opposer consents to the

setting aside of the Notice of Default so the Board can review the parties' Joint Motion For Amendment Of Applications And Withdrawal Oppositions Without Prejudice so the opposition can be withdrawn.

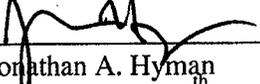
Accordingly, the parties request the Board to set aside the Notice of Default.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

LADAS & PARRY

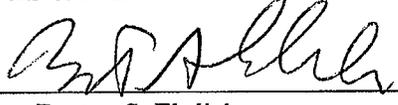
By: _____


Jonathan A. Hyman
2040 Main St., 14th Floor
Irvine, CA 92614
Attorneys for Applicant,
Christopher P. Risi

Dated: _____

8-14-09

By: _____


Burton S. Ehrlich
224 S. Michigan Avenue, Suite 1200
Chicago, IL 60604
Attorney for Opposer,
Wilhelm Sihh Jr., KG

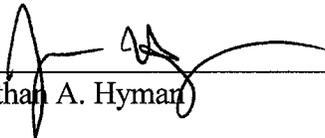
Dated: _____

8-14-09

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **JOINT MOTION TO SET ASIDE NOTICE OF DEFAULT** upon Opposer's counsel by email, pursuant to the parties agreement, on August 14, 2009, addressed as follows:

Burton S. Ehrlich, Esq.
LADAS & PARRY
burte@ladas.net



Jonathan A. Hyman

EXHIBIT 1

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

Wilhelm Sihm Jr. KG,
Opposer,

v.

Christopher P. Risi,
Applicant.

) Opposition Nos.: 91160122 and 91159908
)
) Serial Nos.: 76/161,586 and 76/161,971

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) attachments are being deposited with the United States Patent
) and Trademark Office, Trademark Trial and Appeal Board via
) electronic filing through their website located at
) <http://esta.uspto.gov/> on:

8-13-09

(Date)

**JOINT MOTION FOR AMENDMENT OF APPLICATIONS AND
WITHDRAWAL OPPOSITIONS WITHOUT PREJUDICE**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

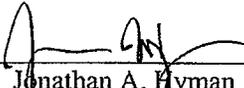
Applicant requests that the identification of goods in U.S. Trademark Application Serial Nos. 76/161,586 and 76/161,971 be amended to "remote controls and programmable remote controls for radios, televisions, stereos, computers, telephones, cellular phones, personal computing devices, DVRs, and DVD players; remote control parts, namely, buttons," in International Class 9.

Upon the amendment of the identification of goods in U.S. Trademark Application Serial Nos. 76/161,586 and 76/161,971 as set forth above, Opposer respectfully moves the Trademark Trial and Appeal Board for withdrawal of the above-captioned opposition proceeding without prejudice.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

LADAS & PARRY

By: 
Jonathan A. Hyman
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By: 
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Wilhelm Sihm Jr., KG

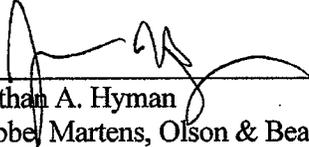
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