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Filing date: **02/23/2005**

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

Proceeding	91162871
Party	Defendant Hydentra, L.P. Hydentra, L.P. c/o Blank Rome LLP One Logan Square Philadelphia, PA 19103
Correspondence Address	Timothy D. Pecsénye Blank Rome LLP 9th Floor One Logan Square Philadelphia, P, 19103-6998
Submission	Response to Order to Show Cause and Motion for Extension of Time to Answer or Otherwise Respond to Notice of Opposition
Filer's Name	David M. Perry
Filer's e-mail	perry@blankrome.com
Signature	/David M. Perry/
Date	02/23/2005
Attachments	hydentra.pdf (9 pages)

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

Metropolitan Life Insurance Company,	:
	:
Opposer	: Opposition No. 91162871
	:
v.	: Application Serial No. 78313440
	: for METGIRLS
Hydentra, L.P.,	:
	: Application Serial No. 78312615
Applicant	: for METART

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

RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND TO NOTICE OF OPPOSITION

Applicant Hydentra, L.P., by and through its attorneys, respectfully responds to the Trademark Trial and Appeal Board's order to show cause dated February 4, 2005, and moves the Board for an extension of time to answer or otherwise respond to the Notice of Opposition filed October 27, 2004, and instituted by the Board on November 12, 2004, for the facts and reasons set forth herein below.

The subject applications, METGIRLS and METART, were published for opposition June 29, 2004, and July 6, 2004, respectively. Opposer filed the notice of opposition initiating this proceeding October 27, 2004, and the Board issued its scheduling order instituting the proceeding on November 12, 2004. The Notice of Opposition and scheduling order were never received by the undersigned counsel of record for Applicant. The filing of the Notice of Opposition and the pendency of the proceeding were first discovered by the undersigned upon

receiving the Board's order to show cause why judgment by default should not be entered against Applicant in accordance with Fed. R. Civ. P. 55(b). The undersigned, David M. Perry, then investigated the situation via the TTABVUE database and determined the above.

In a letter dated February 10, 2005, and mailed to Interlocutory Attorney Frances S. Wolfson, Applicant informed the Board that its address was not fully and properly identified on the Notice of Opposition. A copy of that letter is annexed hereto as Exhibit A. As indicated, the Board's records listed Applicant's attorney of record's address incorrectly as located at "Philadelphia, P." In view of such facts, Applicant was unable to answer or otherwise respond to the Notice of Opposition in a timely fashion and therefore requests this enlargement of time.

That said, in addition to the foregoing, as explained in Applicant's letter of February, 10, 2005, apart from the instant Response and Motion, handling of the instant matter has been transferred to Sean E. Macias, Esquire, Leader Kozmor Macias, 1990 S. Bundy Drive, Suite 390, Los Angeles, California 90025. Insofar as Mr. Macias will be investigating the substantive issues concerning the Notice of Opposition, and preparing the appropriate answer or response, an extension of time to file the response or answer is respectfully requested.

Applicant respectfully submits that the foregoing constitutes good cause as to why a judgment for default to failure to answer the Notice of Opposition should not be entered against Applicant. T.B.M.P. § 312.02. Indeed, this matter should be decided on the merits, where good cause is evidenced by the facts that (1) the delay in filing an answer was not the result of willful conduct or gross neglect on the part of Applicant, (2) Opposer will not be substantially prejudiced by the delay, and (3) Applicant has a meritorious defenses to the action which are being assessed by Applicant's incoming counsel. Id.

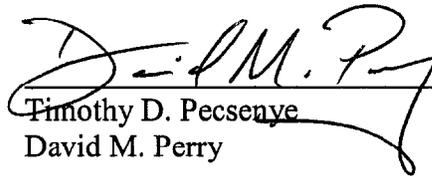
Wherefore, Applicant requests that the Board accept this Response against the entrance of a default judgment, and grant its Motion for an Extension of Time to Answer or Otherwise Respond to the Notice of Opposition.

Respectfully submitted,

HYDENTRA, L.P.

Dated: February 23, 2005

By:

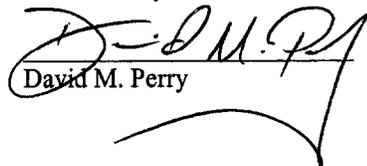

Timothy D. Pecsénye
David M. Perry

BLANK ROME LLP
One Logan Square
Philadelphia, PA 19103
Its Attorneys

cc: Sean E. Macias, Esquire

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on February 23, 2005.


David M. Perry

CERTIFICATE OF SERVICE

I, David M. Perry, do hereby certify that I have on this 23rd day of February, 2005, mailed by first class United States Mail, postage prepaid, the foregoing **RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO NOTICE OF OPPOSITION** to the following:

Dante Naccarato
MetLife Law Department
1 MetLife Plaza 27-01 Queens Plaza North
Long Island City, NY 11101

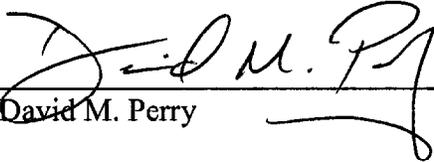

David M. Perry

EXHIBIT A

Phone: (215) 569-5767
Fax: (215) 832-5767
Email: perry@blankrome.com

February 10, 2005

Ms. Frances S. Wolfson
Interlocutory Attorney
U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

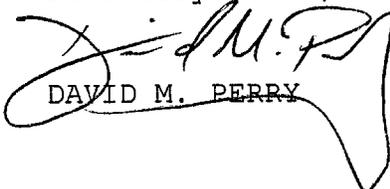
Re: Metropolitan Life Insurance Company v. Hydentra, L.P.
Opposition No. 91162871

Dear Ms. Wolfson:

We received today the Board's order to show cause dated February 4, 2005, in which it is indicated that Hydentra, L.P. failed to file an answer to the notice of opposition. At the outset, we have thoroughly reviewed all of our records and we are certain that the notice was never received by us. Having retrieved the notice from TTABVue, we see the mailing date of November 12, 2004, but observe that our location is identified as "Philadelphia, P." In view of the typographical error on the part of the Board, we believe that the notice was not properly delivered through the mail.

That said, please note that this firm no longer represents Hydentra, L.P. in this matter. All future correspondence should be addressed to: Sean E. Macias, Esquire, Leader Kozmor Macias, 1990 S. Bundy Drive, Suite 390, Los Angeles, California 90025.

Sincerely yours,


DAVID M. PERRY

DMP:rg
Enclosure

cc: Sean E. Macias, Esquire
Alan L. Zeiger, Esquire
Timothy D. Pecsénye, Esquire

BLANK ROMÉ LLP
FEB 10 2005
RECEIVED
COUNSELORS AT LAW

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: February 4, 2005

Opposition No. 91162871

Metropolitan Life Insurance
Company

v.

Hydentra, L.P.

Frances S. Wolfson, Interlocutory Attorney:

Answer was due in this case on December 22, 2004.

Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 12, 2004

Opposition No 91162871
Serial No. 78313440

Timothy D. Pecsénye
Blank Rome LLP
9th Floor One Logan Square
Philadelphia, P, 19103-6998

Metropolitan Life Insurance
Company

v.

Hydentra, L.P.

Dante Naccarato
MetLife Law Department
1 MetLife Plaza 27-01 Queens Plaza North
Long Island City, NY 11101

Tammy Logan, Legal Assistant

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	December 02, 2004
Discovery period to close:	May 31, 2005
30-day testimony period for party in position of plaintiff to close:	August 29, 2005
30-day testimony period for party in position of defendant to close:	October 28, 2005
15-day rebuttal testimony period for plaintiff to close:	December 12, 2005

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.