

ESTTA Tracking number: **ESTTA54044**

Filing date: **11/18/2005**

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

Proceeding	91166169
Party	Defendant Hallmark Licensing, Inc. Hallmark Licensing, Inc. 2440 Pershing Road Kansas City, MO 64108
Correspondence Address	DAVID N. JOHNSON, ESQ. HALLMARK CARDS, INCORPORATED 2501 MCGEE BOX 419126 MD #339 KANSAS CITY, MO 64141-6126
Submission	Response to Notice of Default
Filer's Name	David N. Johnson, Esq.
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Signature	/David N. Johnson/
Date	11/18/2005
Attachments	Flambeau.pdf (5 pages)

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

Serial No.: 78445300
Filed: 7/2/2004
For the Mark: hoops&yoyo
Published: 6/7/2005

Flambeau, Inc.,

Opposer,

v.

Opposition No. 91166169

Hallmark Licensing, Inc.,

Applicant.

Response to Notice of Default

Applicant, Hallmark Licensing, Inc., through its attorney of record, responds to the notice of default and states as follows:

1. On or about November 4, 2005, Applicant received a notice of default from the Trademark Trial and Appeal Board (“Board”) stating that an answer was due in the above-referenced matter on September 18, 2005, that Applicant had apparently not filed an answer or a motion to extend time to answer, and that Applicant was allowed thirty days from the mailing date to show cause why judgment by default should not be entered against it.

2. Applicant reviewed its file and determined that copies of the Notice of Opposition and notification letter sent by the Board had not been received. Further review of incoming correspondence from the application file revealed that portions of

Applicant's correspondence address had erroneously been dropped. A copy of the Correspondence Information validation page from Applicant's above-referenced application is attached showing Applicant's full correspondence address. Also attached is a copy of the envelope used to mail the notice of default to Applicant's attorney. The envelope is postmarked November 2, 2005, and shows an incomplete address for Applicant's attorney.

3. The delay in filing an answer is not the result of willful conduct or gross neglect on the part of Applicant.

4. Flambeau, Inc. will not be substantially prejudiced by the delay in filing an answer.

For good cause shown, Applicant respectfully requests that the Board set aside the notice of default and allow Applicant additional time to file an Answer to the Notice of Opposition.

Dated: November 18, 2005

Respectfully submitted,

HALLMARK LICENSING, INC.

By: /David N. Johnson/
David N. Johnson
Hallmark Cards, Incorporated
2501 McGee, Box 419126, MD #339
Kansas City, MO 64141-6126
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Attorney for Applicant

CORRESPONDENCE INFORMATION	
David N. Johnson, Esq. Hallmark Cards, Incorporated MD #339 2501 McGee, Box 419126 Kansas City MO 64141-6126	
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	* City Kansas City
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	* Country OTHER If not listed above, please select 'OTHER' and specify here: USA
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Internet E-Mail Address psimmo2@hallmark.com <input checked="" type="checkbox"/> Check here to <u>authorize</u> the USPTO to communicate with the applicant or its representatives via e-mail.	

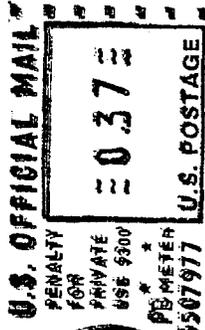
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91166169

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