

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

Mailed: November 30, 2005

Opposition No. **91166169**

Flambeau, Inc.

v.

Hallmark Licensing, Inc.

Linda Skoro, Interlocutory Attorney

On November 1, 2005 the Board sent a notice of default to applicant because no answer had been filed, providing applicant until December 1, 2005, to show cause why judgment by default should not be entered.

On November 18, 2005, applicant filed its showing of good cause and requested additional time to file its answer. As grounds for good cause applicant states that it did not receive the Board's institution order and suggests that it is a result of an incomplete entry of applicant's address into the USPTO database, resulting in non-delivery. Applicant further states that no substantial prejudice has occurred as a result of its delay and the delay is not the result of willful misconduct or gross negligence.

As it is the policy of the Board to decide cases on their merits and applicant has made a satisfactory showing of good cause why default judgment should not be entered,

the notice of default is hereby set aside. Fed. R. Civ. P. 55(c).

Applicant is allowed TWENTY days from the mailing date of this order to file its answer and dates are hereby reset, as indicated below.

Discovery period to close:	5/1/2006
30-day testimony period for party in position of plaintiff to close:	7/30/2006
30-day testimony period for party in position of defendant to close:	9/28/2006
15-day rebuttal testimony period to close:	11/12/2006

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits must be served on the adverse party within thirty days after completion of the taking of testimony. 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.

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