

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

Mailed: July 23, 2007

Opposition No. 91176816

William R. Cates, Inc. d/b/a
Referral Coach International

v.

Gerard A. Smith

Cindy B. Greenbaum, Managing Interlocutory Attorney:

In response to the notice of default, mailed June 12, 2007, applicant filed a copy of the answer that it had originally filed on May 22, 2007, and a copy of the USPS Express Mail return postcard showing that the Office received his answer on May 24, 2007.

The record now shows that after the Board mailed the notice of default, the original answer was associated with the file. Thus, the notice of default was issued in error.

In view of the foregoing, the notice of default is vacated. Discovery and trial dates remain as set in the Board's April 18, 2007 institution order.