

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

Mailed: October 3, 2007

Opposition No. 91177463

Promgirl, Inc.

v.

Promgirl, LLC

**Frances S. Wolfson, Interlocutory Attorney:**

Applicant's uncontested motion (filed August 31, 2007) to set aside the notice of default issued on August 4, 2007 is hereby granted. Applicant has shown that its failure to timely file an answer in this case was not wilfull and, by filing its answer, has shown that it has a meritorious defense to the notice of opposition. See *Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991); *Paolo's Associates Limited Partnership v. Paolo Bodo*, 21 USPQ2d 1899 (Comm'r 1990); and TBMP § 312.02 (2d ed. rev. 2004).

Accordingly, the notice of default is set aside and applicant's answer is entered into the record.

Dates remain as previously set in the Board's institution order of May 23, 2007.

## ***New Developments at the Trademark Trial and Appeal Board***

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers are available for public access at the TTAB. For further information on file access, call the TTAB at 571-272-8500.
- Parties should also be aware of recent changes in the rules affecting trademark matters, including 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) ([www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf](http://www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf)); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) ([www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf](http://www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf)).
- The second edition (2d ed. rev. 2004) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at [www.uspto.gov/web/offices/dcom/ttab/tbmp/](http://www.uspto.gov/web/offices/dcom/ttab/tbmp/).
- The Trademark Rules of Practice have been posted on the USPTO web site at <http://www.uspto.gov/web/offices/tac/tmlaw2.html>.