TTAB

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. 78/875,952

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.

10-12-2007

U.S. Patent & TMOfc/TM Mail Rept Dt. #30

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); 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).

- 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/.

- The Trademark Rules of Practice have been posted on the USPTO web site at http://www.uspto.gov/web/offices/tac/tmlaw2.html.

United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA. 22313-1451
If Undeliverable Return in Ten Days

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

AN EQUAL OPPORTUNITY EMPLOYER

91177463

CARLOS CARVAJAL
432 PARK AVE S FL 2
NEW YORK, NY 10016-8013

NIXIE 100 CE 1 40 10/10/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 22313145151 *0217-03898-04-38

10016+8013 [illegible]