

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

<p>INNOCENT SKIN, INC., A NEVADA CORPORATION,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>MORGEN BENTSEN,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91188241</p> <p>Serial No.: 77/490049</p> <p>Mark: INNOCENT SKIN</p>
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Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451



03-26-2009

U.S. Patent & TM Office Form 101 (Rev. 10-2008)

DECLARATION IN RESPONSE TO NOTICE OF DEFAULT

I, John Yates, state that:

1. I am a lawyer at Greenberg & Bass, LLP, attorneys of record for Applicant Morgen Bentsen.
2. As explained in the Motion to Extend Applicant's Time to Answer, supporting declaration, and proposed Answer filed with the TTAB on February 27, 2009, Applicant's Answer to Opposer's Opposition was timely served, and timely mailed by first-class mail to the TTAB on February 11, 2009. The mailing to the TTAB was returned approximately 11 days later, because I had inadvertently sent the Answer to the TTAB's Crystal Springs address, which is mentioned the Manual of Procedure several times as the correct address. I immediately prepared the Motion referenced above, which was filed by the TTAB on February 27, 2009 the same day the paralegal responsible for this file served a Notice of Default. I received the Notice of Default approximately four

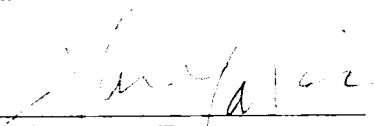
days after submitting the Motion. Thus, Applicant's Motion and the TTAB's Notice of Default crossed in the mail.

3. Opposer has suffered no prejudice from the events described above, and in fact, as set forth in the email attached as Exhibit 1 to this declaration, Opposer's counsel does not oppose Applicant's Motion to Extend Time to Answer.

4. Applicant respectfully requests the TTAB to grant Applicant's Motion, file the Answer submitted with the Motion, and vacate the Notice of Default.

I swear under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that this declaration is executed this 24th day of March 2009 at Encino, California.

By


John Yates, Esq.
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Attorneys for Applicant Morgen Bentsen

John R. Yates

From: Edwin P. Tarver [edwin@lauson.com]
Sent: Friday, March 20, 2009 11:19 AM
To: John R. Yates
Subject: RE: Innocent Skin, Inc. v. Morgen Bentsen (TTAB No. 91188241)

John,

I don't oppose your motion to extend time to answer.

-Edwin

--

Edwin Tarver
LAUSON & TARVER, LLP
880 Apollo St., Suite 301
El Segundo, CA 90245
Tel. (310) 726-0892
Fax (310) 726-0893

From: John R. Yates [mailto:jyates@greenbass.com]
Sent: Friday, March 20, 2009 9:21 AM
To: Edwin P. Tarver
Subject: Innocent Skin, Inc. v. Morgen Bentsen (TTAB No. 91188241)

March 20, 2009

Mr. Tarver,

The TTAB still has not acted on Applicant's Motion to for leave to extend time to answer, or officially filed Applicant's Answer and Affirmative Defenses. I have also been unable to make personal contact with Ms. Tina Craven, who is assigned as the paralegal to this proceeding.

Would you mind responding to this email by stating that you do not oppose Applicant's Motion, or the filing of Applicant's Answer? If you do so, I will submit another declaration to the TTAB with a copy of this email and your response.

Thank you,

John R. Yates
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3/20/2009

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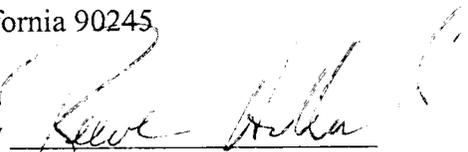
CERTIFICATE OF FIRST CLASS MAILING AND PROOF OF SERVICE

I hereby certify that a true and complete original of Applicant's DECLARATION IN RESPONSE TO NOTICE OF DEFAULT was served by first class mail with sufficient postage prepaid on March 24, 2009, to the Trademark Trial and Appeal Board at the U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, and that a copy of Applicant's DECLARATION IN RESPONSE TO NOTICE OF DEFAULT was served on counsel for Opposer on the same date first class mail with sufficient postage prepaid, to:

Edward Tarver, Esq.
Lauson & Tarver
880 Apollo Street, Suite 301
El Segundo, California 90245

Dated: March 24, 2009

By



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