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

Proceeding	91194351
Party	Defendant Dawn Bolden
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Date	06/24/2010
Attachments	Response to Notice of Default 11 Kashi-2.pdf ( 2 pages )(32218 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**Defendant:** Bolden, Dawn  
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UNITED STATES  
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Serial #: [77775454](#)

**Proceeding Number:** 91194351

**Plaintiff:** DAVID A HERDMAN  
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KASHI COMPANY  
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UNITED STATES  
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**Response to Notice of Default**

This memorandum is written in response to the Patent and Trademark Office's  
"Notice of Default" application regarding case number 91194351. The facts regarding  
attempt (s) to file timely are as follows:

1. I moved from the recorded address of 14080 Big Crest Lane, apt.304 Woodbridge, Va. 22191 (permanent address) to non-permanent address status. Current (non-permanent) address is 5062 Leatherback Road, Woodbridge, Va. 22193.
2. Due to the subsequent move, I could not provide a permanent address to receive correspondence.
3. I no longer had access to internet services (required to file online responses).
4. Attempts were made to file before deadline via a friend's computer. Complication would not allow friend's computer system to download the Adobe file. The opening of the Adobe file crashed the computer more than 10 consecutive times. In lieu of the inability to file via the Adobe computer file an email was sent on deadline date [Mon, June 21, 2010 11:52:44 PM ] to the Patent and Trademark office (**see attachment**).
5. A call was made to the Patent and Trademark office to confirm receipt of email with noted responses. The Office responded that email is not the accepted format to file response. Hence the failed receipt of the correspondence.

On the date of the initial deadline, Kashi's representative contacted me at 4:30 p.m. that afternoon requesting permission for a concurrent use of the trademark(s). I responded that I did not see a problem with the concurrent use. However, since I was contacted so late in the evening and there had been no previous verbal communication regarding the matter; I wanted to take the opportunity to review information that weekend and would converse with the Kashi Company on Monday. I was told that my request was not acceptable because their office had a deadline to file

with the Patent and Trademark's office that day. I requested to call the Patent and Trademark's office to ask a few general questions. I was told that I had to respond at "now" at that moment because of their company's deadline with Patent and Trademark's office. I responded that I would like the courtesy of asking a few question as Kashi has been graced with an additional filing extension (s) and requested the same courtesy be afforded to me. I was told by the Kashi representative that she could not grant an extension to me because of their pending deadline. The Kashi representative stated that my request for time would be sent forward as a denial of concurrent use. I responded that was not the case but needed to address what could be legal issues for me if they thought I was infringing upon Kashi's while utilizing my trademark. The representative said that she would be filing that evening and hung up the phone. I called the Patent and Trademark's office which by this time was closed. The Kashi Company filed the notice even though I said I did not have a problem with concurrent use.

### **CERTIFICATE OF SERVICE**

The undersigned herby certifies that a copy of this paper has been served upon all parties at their address record by First Class Mail on this date.

Signature	/Dawn Bolden
Name	Dawn Bolden
Date	06/23/2010

Respectfully,  
Dawn Bolden  
5062 Leatherback Road  
Woodbridge, VA 22193  
UNITED STATES