

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

vb

Mailed: July 8, 2010

Opposition No. 91194351

Kashi Company

v.

Dawn Bolden

**Robert H. Coggins,  
Interlocutory Attorney:**

No answer having been timely received, the Board (re)issued notice of default to applicant, on June 11, 2010, allowing her thirty days in which to show cause why judgment should not be entered against her. Now before the Board is applicant's June 24, 2010 response to the notice of default and her concurrently filed answer.

Default Set Aside

By her response, applicant states that she attempted to file a timely response but had computer trouble, that she attempted to (erroneously) email a timely response, and that she received a telephone call from opposer to discuss the possibility of settlement. In view thereof, and in view of the concurrently filed answer (which denies all of the allegations in the notice of opposition), the Board finds good cause to discharge applicant's default. Fed. R. Civ.

P. 55; *Fred Hayman Beverly Hills Inc. v. Jacques Bernier Inc.*, 21 USPQ2d 1556 (TTAB 1991). Accordingly, the notice of default is set aside and applicant's answer is noted.

Schedule

Dates are rest on the following schedule.

Deadline for Discovery Conference	7/30/2010
Discovery Opens	7/30/2010
Initial Disclosures Due	8/29/2010
Expert Disclosures Due	12/27/2010
Discovery Closes	1/26/2011
Plaintiff's Pretrial Disclosures	3/12/2011
Plaintiff's 30-day Trial Period Ends	4/26/2011
Defendant's Pretrial Disclosures	5/11/2011
Defendant's 30-day Trial Period Ends	6/25/2011
Plaintiff's Rebuttal Disclosures	7/10/2011
Plaintiff's 15-day Rebuttal Period Ends	8/9/2011

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Pro Se Information

It appears that applicant intends to represent herself in this proceeding. Applicant will be expected to comply with all applicable rules and Board practices during the remainder of this case. It should be noted that while Patent and Trademark Rule 11.14 permits an applicant to represent

herself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

If applicant does not retain counsel, then applicant will have to familiarize herself with the rules governing this proceeding. The Trademark Rules are codified in part two of Title 37 of the Code of Federal Regulations (also referred to as the CFR). The CFR and the Federal Rules of Civil Procedure are likely to be found at most law libraries and may be available at some public libraries. The Board's manual of procedure will also be helpful.

On the World Wide Web, applicant may access most of these materials by logging onto <http://www.uspto.gov> and making the connection to trademark materials.

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.