

ESTTA Tracking number: **ESTTA570776**

Filing date: **11/14/2013**

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

Proceeding	91206295
Party	Defendant OHbaby Limited
Correspondence Address	FB RICE & CO LEVEL 23, 200 QUEEN STREET MELBOURNE VIC 3000, AUSTRALIA angela@ohbaby.co.nz, dfranklin@fbrice.com.au,
Submission	Other Motions/Papers
Filer's Name	Angela Pedersen
Filer's e-mail	angela@ohbaby.co.nz
Signature	/Angela Pedersen/
Date	11/14/2013
Attachments	A Pedersen OHbaby 14 Nov 13 Lt USPTO re opposition (939077v1).PDF(60356 bytes )

14 November 2013

Opposition No. 91206295

Lauer Enterprises, Inc. v. Ohbaby Limited

Show cause

Dear Sirs

We write in response to your letter of November 3, 2013. An Answer or suspension request was not filed by October 16, 2013 for the following reasons:

The parties are negotiating settlement, and are still in the midst of negotiations.

The attorney for the opponent had been obtaining suspensions on our behalf while we negotiated. However this time he did not, and I and my local attorney missed the 16 October 2013 due to a data entry problem in my attorney's database that was monitoring the deadline.

The opponent's attorney has no objection to the matter being revived and Answer being filed. His email says:

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From: Brent E. Routman [mailto:BRoutman@merchantgould.com]  
Sent: Wednesday, 13 November 2013 9:56 AM  
To: David Franklin  
Cc: 15631.0002ustc.active@ef.merchantgould.com  
Subject: RE: Opposition to OHbaby!; Proceeding No. 91206295; Serial No. 79/098,590; CORRECTED FILE NUMBER: 15631.2-US-TC

David,

I assure you, I didn't move for default nor would I ever have done that.

I have no objection to you filing an answer.

You can feel free to indicate that we were negotiating. My client and I are still discussing the issue.

Brent

Brent E. Routman  
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We are filing our Answer immediately after filing this request.

We submit that judgement by default should not be entered given these circumstances, and request that we be allowed to proceed and that our Answer be entered into the record.

We look forward to hearing from you.

Regards  
Angela Pedersen  
Director, OHbaby Limited  
[angela@ohbaby.co.nz](mailto:angela@ohbaby.co.nz)

