

ESTTA Tracking number: **ESTTA588571**

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

Proceeding	91213121
Party	Defendant Wskonnekt
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Submission	Answer
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Date	02/21/2014
Attachments	war_star.pdf(212403 bytes )

85891300

War Star

## Response to office action

To the commissioner of trademarks:

US serial no. 85891300

### ARGUMENT(S):

That the applicant had filed for trademark registration with the USPTO and the opposer's amended pleading was filed on October 23, 2013. The applicant had to file a motion to answer to the above opposition which he was not able to file due to some unavoidable circumstances. The applicant was down with dysentery and viral fever and hence could neither file a reply nor was able to appoint an attorney for the same. The reasons given by the applicant are genuine and hence should be considered as the applicant's business is also at stake which will be jeopardized if an unjustified action is taken by the USPTO. The settlement of this dispute is in the interests of the applicant as a speedy disposal of this case would result in the resolution of ambiguity surrounding the use of the above trademark and whence the applicant can clearly focus on his business and hence the same requests the authority to consider its apologies for neither filing a reply to the opposer's amended pleading, nor filing a motion to extend the time to answer to the pleading.

In view of the above explanation, and the importance surrounding the use of the trademark, the authority should consider the circumstances in which the applicant was in and therefore, a judgment by default should not be entered without hearing the applicant as it would be against the principle of natural justice which clearly states that nobody should be condemned unheard.