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

Proceeding	92045147
Party	Defendant Gay & Lesbian Yellow Pages, Inc. Gay & Lesbian Yellow Pages, Inc. Ste. 480 4200 Montrose Blvd. Houston, TX 77006
Correspondence Address	Gay & Lesbian Yellow Pages, Inc. Ste. 480 4200 Montrose Blvd. Houston, TX 77006
Submission	Other Motions/Papers
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Date	12/31/2005
Attachments	Response to Motion for Default Judgment.pdf ( 2 pages )

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

METROQ,	§	
	§	Cancellation No. 92045147
Petitioner,	§	
	§	
v.	§	Registration No. 2,119,139
	§	
GAY AND LESBIAN YELLOW	§	
PAGES, INC.,	§	
	§	
Registrant	§	

RESPONSE TO MOTION FOR DEFAULT JUDGMENT

Registrant, Gay and Lesbian Yellow Pages, Inc. (“GLYP” or “Registrant”), by its undersigned attorneys, responds to Petitioner’s Motion for default Judgment by showing good cause why a default judgment should not be entered.

Good cause for failure to timely file an answer in a Board proceeding is usually found when (1) the delay in filing the answer was not the result of willful conduct or gross neglect on the part of the defendant, (2) the Petitioner will not be substantially prejudiced by the delay, and (3) the Defendant has a meritorious defense to the motion. *See, Paolo’s Assoc. Ltd. Partnership v. Bodo*, 21 U.S.P.Q.2d 1899, 1902 (Comm’r Pat. & Trademarks 1990).

Defendant’s failure to file a timely answer was the result of inadvertence and miscalculation on the part of the undersigned attorney for Registrant, combined with the Christmas holidays, in which the undersigned attorney was out of the office for a family vacation. Upon returning to the office on December 30, 2005 and after discovering Petitioner’s Motion for Default through ESTTA, the undersigned attorney realized that the answer had been due on December 22, 2005. An answer to the Petition to Cancel was promptly filed via ESTTA and a copy was forwarded to Petitioner’s counsel via regular mail. Accordingly, Defendant’s failure to timely answer was the result of Defendant’s attorney’s mistake and not the result of willful conduct or gross neglect on the part of the defendant. *See Trust Co. Bank v. Tingen-Millford Drapery Co.*, 119 F.R.D. 21, 22 (E.D.N.C. 1987) (Courts are reluctant to grant default when the failure to answer is the fault of the attorney rather than the party).

