

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

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)  
In the Matter of )  
Fremantle Media North America, Inc. )  
Petitioner, )  
)  
vs. )  
)  
Idol Writer, LLC )  
Registrant )  
)  
)  
\_\_\_\_\_ )

# 78450151

**Cancellation No. 92045648**

BOX TTAB  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**OPPOSITION TO PETITIONER'S MOTION FOR SANCTIONS  
IN THE FORM OF A DEFAULT JUDGMENT AND MOTION  
FOR LEAVE TO FILE RESPONSES TO PETITIONER'S  
DISCOVERY REQUESTS**

Registrant, by its principal, Phillip Elden, appearing in *propria persona*, submits the within Opposition to Petitioner's Motion for Default Judgment; Motion for Leave to File Responses to Petitioner's Discovery Requests pursuant to 37 C.R.R. Section 2.116(a) and Fed. R. Civ. P. 6(b) and Declaration of Phillip Elden in support thereto.



12-23-2008

This trademark proceeding was filed by Petitioner following a long, costly and protracted civil litigation which finally resulted in the ownership of the trademark, IDOL WRITER, being returned to its rightful owner, the Registrant. (Decl. of Phillip Elden, attached hereto).

While Registrant has had all intention of complying with the Board's October Order to produce responses to Petitioner's discovery requests, Registrant has been unable to do so due to the inaccessibility of information directly bearing on those discovery requests. All such information was produced during the civil litigation which was dismissed last year but which has been in storage of third parties who were unavailable. (Decl. of Phillip Elden, attached hereto).

Access to the information needed to comply with Petitioner's discovery requests has just been made available to Registrant. (Decl. of Phillip Elden, attached hereto).

Registrant has, on several occasions, attempted to communicate with Petitioner's Counsel and has telephoned Petitioner's counsel on at least 3 occasions. Petitioner's Counsel has failed and refused to return Petitioner's calls. (Decl. of Phillip Elden, attached hereto).

There is not a single prior instance in this matter of Registrant's failure to obey the Board's Order and, indeed, Registrant has never intentionally disregarded the Board's Order. (Decl. of Phillip Elden, attached hereto).

Registrant has all intentions of obtaining trademark counsel in this matter and has, to date, been handicapped by lack of adequate counsel. In this case, no prejudice will be suffered by Petitioner, which is a multi-million dollar corporation enjoying the resources of a large law firm. The reason for the delay is a result of events out of Registrant's

Admissions be deemed "Admitted" be denied; and that Registrant be granted an extension of sixty (60) days in which to respond to Petitioner's discovery requests in the within matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed this 15<sup>th</sup> day of December, 2008 at Santa Monica, California.

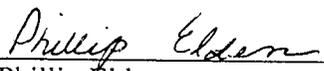
DATED: 12-15-08

Phillip Elden  
PHILLIP K. ELDEN

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing Opposition to Petitioner's Motion for Default Judgment and Registrant's Request for Extension of Time to Respond To Discovery and Registrant's Declaration in support thereto by depositing one copy in the U.S. Postal Service pre-paid on December 16, 2008 addressed as follows:

Susan Heller, Esq.  
Greenberg, Taurig, LLP  
2450 Colorado Blvd. Suite 400 E  
Santa Monica, CA 90404

  
\_\_\_\_\_  
Phillip Elden  
For: IDOL WRITER, LLC, Registrant

CERTIFICATE OF MAILING BY U.S. MAIL

Mark : IDOL WRITER

Cancellation Proceeding: No. 92045648

I hereby certify that the attached Opposition to Petitioner's Motion for Sanctions in the Form of Default Judgment and Registrant's Motion for Leave to File Responses to Petitioner's Discovery Requests and Registrant's Declaration of Phillip Elden in Support Thereto is addressed to UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board P.O. Box 1451, Alexandria, VA 22313-1451 and is being deposited with the United States Postal Service, U.S. Mail, on December 16, 2008.

*Phillip Elden*  
\_\_\_\_\_  
PHILLIP ELDEN