

ESTTA Tracking number: **ESTTA85770**

Filing date: **06/16/2006**

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

Proceeding	92045648
Party	Defendant Elden, Shain Elden, Shain box 551 bonsall, CA 92003
Correspondence Address	Elden, Shain Box 551 Bonsall, CA 92003
Submission	Answer
Filer's Name	PHILLIP ELDEN
Filer's e-mail	mustgo@gte.net
Signature	/Phillip Elden/
Date	06/16/2006
Attachments	idoldefaultresponse1.pdf (4 pages)(103628 bytes) exhibitA.pdf (1 page)(17035 bytes) exhibitb.pdf (1 page)(105529 bytes) exhibitC.pdf (2 pages)(197080 bytes) NOTEPLEASEMAKECHANGE.pdf (1 page)(27875 bytes)

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

Cancellation No. 92045648

In re Trademark Serial No. 78450151
with Registration No. 3,049,295 and
Registered on January 24, 2006

Phillip Elden, P.O. Box 551, Bonsall,
California 92003,

Registrant,

Fremantle Media North America,
Mitchell, Silberberg and Knupp,
11377 West Olympic Blvd
Los Angeles, Cal. 90064-1683

Petitioner

ANSWER TO NOTICE OF DEFAULT (Copy of answer sent to Petitioner 6/18/2006)

Registrant, Phillip Elden, an individual residing at P.O. Box 551,
Bonsall, California 92003, is answering the notice of default of his
Registered Trademark No. 3,049,295, and hereby provides the following facts.

Registrant has filed answer late based on the following reasons.

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2 1. The Petition of Cancellation was addressed to Shain Elden who
3 does not reside at the address and was not listed as the correspondence
4 recipient. The correspondent names were filed
5 2005-11-10 - TEAS Change Of Correspondence Received (Exhibit A)
6 and did not include Shain Elden. Shain Elden received notification
7 after the original due date to answer the petition of cancellation.
8

9 2. May 18, 2006 Phillip Elden spoke with Lucy Arant (petitioner)
10 and was granted a 30 day extension due to the reasons mentioned in this
11 filing and other reasons (reassignment) seen on Exhibit C of the
12 actual answer filed on June 9, 2006. Phillip Elden believed this to be
13 30 days from the date of the conversation, which would have been June
14 18, 2006.

15 Lucy Arant (petitioner)also orally agreed to file the granting of an
16 extension directly with the USPTO TTAB but later emailed she could not
17 bill her client to do this and later explained it was 30 days from the
18 actual original due date not from the date of conversation. She further
19 explained she would not request a default until 60 days from the
20 original due date which would of been July 9, 2006.

21
22 (Exhibit C)
23
24
25

1
2
3 3. May 22, 2006 Phillip Elden spoke to Clara Vela at the trademark
4 office (TTAB)and informed her of the confusion and extension granted
5 by the petitioner, the reassignment, and his intent and desire to file
6 the answer. Speaking to Clara Vela today, June 15, 2006 to confirm
7 this, she could not verify this conversation other than to say an
8 attorney discussed an extension with her and would speak to the
9 registrant. Phillip Elden has no attorney that would of called. There
10 is a misunderstanding in the notes from the phone conversation.
11

12 4. May 24, 2006

13 The assignment office changed the owner to Phillip Elden.

14 (Exhibit B)
15

16 5. Phillip Elden requests that the TTAB please forward any further
17 procedure required to allow the acceptance of my answer to PO BOX 551
18 Bonsall, California, 92003.
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6. Phillip Elden (registrant) respectfully requests of the TTAB
to accept the answer received on June 9th, 2006 and revoke the default.

Dated this 16th day of June, 2006

Phillip Elden (Electronic sig. Filed)

Phillip Elden
P.O. Box 551
Bonsall, CA 92003
IN PRO PER
Registrant

<SERIAL NUMBER> 78450151
<MARK> IDOL WRITER <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=784>
<LAW OFFICE ASSIGNED> LAW OFFICE 107
<CONTACT TYPE> Correspondent

<ORIGINAL ADDRESS> SHAIN ELDEN
PO BOX 551
BONSALL California (CA) 92003-0551
United States (USX)
9513082319
9517755953
mustgo@gte.net

<NEW ADDRESS>
<CORRESPONDENT> Phillip Elden Ozzie Areu
<STREET ADDRESS> Box 551
<CTIY> Bonsall
<STATE> California
<POSTAL CODE> 92003
<PHONE> 9517955503
<FAX> 9513082319
<EMAIL> mustgo@gte.net
<EMAIL AUTHORIZED> Y
<SUBMIT DATE> Nov 10, 2005

<SIGNATURE>
<ESIGNATURE-TYPE> DIRECT
<SIGNATURE-TYPE> D
<SIGNATURE-ENTRY-NUMBER>
<SIGNATURE-NAME> /phillip elden/
<SIGNATORY-DATE> 20051110
<SIGNATORY-NAME> Phillip Elden
<SIGNATORY-POSITION> -



[Assignments on the Web](#) > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78450151](#) **Filing Dt:** 07/13/2004 **Reg #:** [3049295](#) **Reg. Dt:** 01/24/2006

Registrant: Elden, Shain

Mark: IDOL WRITER

Assignment: 1

Reel/Frame: [3315/0993](#) **Received:** 05/24/2006 **Recorded:** 05/24/2006 **Pages:** 2

Conveyance: CHANGE OF NAME

Assignor:

[SHAIN ELDEN](#)

Exec Dt: 05/24/2006

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee:

[PHILLIP ELDEN](#)
PO BOX 551
BONSALL, CALIFORNIA 92003

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Correspondent: PHILLIP ELDEN

PO BOX 551
BONSALL, CA 92003

Search Results as of: 06/16/2006 12:10 PM

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 571-272-3350

----- Original Message -----

From: [mustgo](#)
To: [Bevins, Steven](#)
Cc: [Arant, Lucy](#)
Sent: Friday, June 09, 2006 12:15 PM
Subject: Re: Extension of Time--Phillip Elden

Hi Lucy,

An answer has been express mailed to the TTAB and copies to your office, attention to you, so it should arrive Monday, thank you for your help.

Phillip Elden

----- Original Message -----

From: [Bevins, Steven](#)
To: mustgo@gte.net
Sent: Friday, June 02, 2006 2:31 PM
Subject: FW: Extension of Time--Phillip Elden

Dear Mr. Elden:

Please see Lucy Arant's email message below. I apologize for the confusion yesterday; however, I was unaware of the information Ms. Arant has just provided in that she had not agreed to actually file the document you mention but merely agreed not to contest the filing. Per her suggestion, it would be advisable to seek professional legal counsel to assist you in this matter.

Kind regards.

From: Arant, Lucy
Sent: Friday, June 02, 2006 2:23 PM
To: Bevins, Steven
Subject: Extension of Time--Phillip Elden

Hi Steve:

Here is the situation in the IDOL WRITER (Phillip Elden) matter.

We opposed his IDOL WRITER trademark, which at the time was in the name of Shain Elden. An answer was NOT timely filed. Phillip Elden called me to explain that he did not receive the correspondence in a timely manner to answer since it went to Shain Elden, who was his brother and in whose name the application was filed because Phillip Elden used his credit card.

He asked me for an extension of time to answer. ONLY the Trademark Office can grant an extension of time to answer. However, knowing that since the mark was in the process of being

assigned and that The Trademark Office does not give default judgments in situations like this I told him that in the event the Trademark Office were to enter a default judgment he had my permission, IN HIS RESPONSE to The Trademark Office to state that I had orally agreed that we would not contest his motion not to have the default judgment entered PROVIDED that he filed the Answer within 30 days from the date that it was actually due.

I think the best way to handle this would be to forward him a copy of this e-mail as well as to urge him to get an attorney. As I previously explained, we do not represent him and I cannot tell him what he needs to do. I extended the professional courtesy of agreeing not to file a motion for default judgment until after 60 days from the original due date passed and that is all I can do.

We cannot incur any expenses for our client by filing any papers on his behalf. In addition, only The Trademark Trial and Appeal Board has the power to extend the time to file an Answer.

Therefore, would you please forward this e-mail to Phillip Elden?

Thanks,
Lucy

Lucy Arant | Mitchell Silberberg & Knupp LLP
11377 W. Olympic Boulevard | Los Angeles, CA 90064
Phone (310) 312-3253 | Assistant (310) 312-3730
Facsimile (310) 312-2000 | E-mail lba@musk.com

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No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.394 / Virus Database: 268.8.1/354 - Release Date: 6/1/2006

NOTE PLEASE MAKE CHANGE

DEFENDANT NAME STILL REFLECTS FORMER REGISTRANT

SHAIN ELDEN AND SHOULD BE CURRENT NAME PHILLIP ELDEN

SIGNING PHILLIP ELDEN