

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: August 2, 2002

Opposition No. 124,706

Sarcos L.C.

v.

Enport.com¹

Andrew P. Baxley, Interlocutory Attorney:

On May 28, 2002, opposer filed a renewed motion for default judgment.² Therein, opposer indicated that it served a copy of its previous motion for default judgment upon applicant, but that such copy was returned by the United States Postal Service as undeliverable.³

¹ It is noted that the caption of this proceeding in all previous Board orders had incorrectly set forth the parties' postures. The error is regretted. The caption has been corrected as set forth hereinabove.

² In the Board's May 3, 2002 order, the Board noted that opposer's previous motion (filed February 19, 2002) for default judgment did not include proof of service upon applicant and allowed opposer until thirty days therefrom to effect service upon opposer and to file proof of such service with the Board.

³ It is noted that the copy of the Board's May 3, 2002 order was also returned by United States Postal Service as undeliverable. However, the Board's order instituting this proceeding was not returned by the United States Postal Service and therefore is presumed to have been received by applicant.

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It is the responsibility of an applicant representing itself to keep the USPTO informed of its current address. If the applicant fails to do so, and the Board is unable to locate the applicant, the Board will continue to send correspondence relating to the opposition to applicant's last-known address, and when applicant fails to file an answer to the notice of opposition, the opposition may be decided as in case of default. See TBMP Section 315.02.

Although applicant failed to keep the USPTO informed of its current address, a Board attorney was able to locate applicant and was advised on August 1, 2002 that applicant's new address is as follows: **3925 W. Braker Lane, #360, Austin, TX 78759-5316.**

Accordingly, copies of the notice of opposition and opposer's renewed motion for default judgment are enclosed with applicant's copy of this order, which is being sent to the address indicated above.

Applicant is allowed until **thirty days** from the mailing date of this order in which to inform this Office of its correct address in writing so that all records may be amended. Compliance with Patent and Trademark Rule 1.4(c) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved application, applicant must so advise the Board and registrant must submit copies of the appropriate documents.

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See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, applicant is allowed until **thirty days** from the mailing date of this order to respond to opposer's renewed motion for default judgment.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

DISCOVERY PERIOD TO CLOSE:	12/20/02
Opposer's 30-day testimony period to close:	3/20/03
Applicant's 30-day testimony period to close:	5/19/03
15-day rebuttal testimony period to close:	7/3/03

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.