

TTAB

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



In the Matter of Trademark Application Serial No.: 76/100,387  
Published in the *Official Gazette* on May 22, 2001

07-19-2002  
U.S. Patent & TMOft/TM Mail Rcpt Dt. #71

Internet Superbrand, Inc., )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 Yesterdayland )  
 )  
 Applicant. )  
 \_\_\_\_\_ )

**Opposition No.: 91150903**

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 JUL 25 AM 8:33

BOX TTAB-NO FEE  
Asst. Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**MOTION FOR DEFAULT JUDGMENT**

On or about August 13, 2001, opposer, Internet Superbrand, Inc. ("ISI" or "Opposer"), a California corporation with a business address of 7545 Irvine Center Drive, Irvine, California 92618, opposed the registration of the mark POPOPEDIA, that is the subject of application Serial No. 76/100,398, filed with the USPTO on August 1, 2000. See Declaration of Amanda V. Dwight ("Dwight Decl."), ¶ 2, attached hereto.

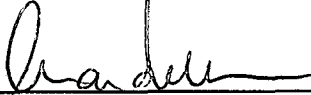
On or about February 25, 2002, the TTAB issued a discovery and briefing schedule in this matter, and ordered applicant to answer ISI's opposition within 40 days after February 25. (Dwight Decl., ¶ 2).

Applicant has failed to file an answer to the opposition. (Id. at ¶ 3) Accordingly, pursuant to 37 CFR 2.106(a), opposer requests that the Board issue a Notice of Default against applicant.

Respectfully submitted,

Dated: July 17, 2002

By: \_\_\_\_\_

  
Amanda V. Dwight, Esq.  
LEVIN & HAWES LLP  
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Laguna Beach, CA 92651  
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Attorneys for Opposer

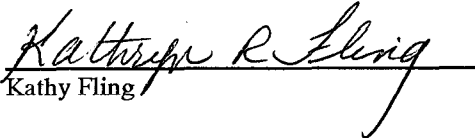
\*\*\*\*\* CERTIFICATE OF MAILING \*\*\*\*\*

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Date of Deposit: July 17, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:

Assistant Commissioner For Trademarks  
Before the trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202-3513

  
Kathy Fling

**Declaration of Amanda Vu Dwight**

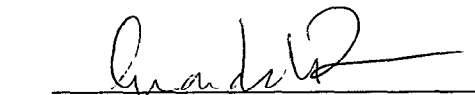
1. I am an attorney at law duly admitted to practice before this Court and a member of the firm Levin & Hawes, LLP, counsel of record for opposer, Internet Superbrand Inc. ("ISI"), in the above-referenced matter. I make this declaration based on my own personal knowledge, and, if called to do so, would competently testify to the facts set forth herein.

2. Levin & Hawes filed the instant opposition on behalf of opposer, ISI, on August 13, 2001. On or about February 25, 2002, the TTAB issued a discovery and briefing schedule in this matter, and ordered applicant to answer ISI's opposition within 40 days after February 25. A copy of the Board's order is attached hereto as Exhibit 1.

3. To date, we have not received an Answer from applicant to ISI's opposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of July 2002 at Laguna Beach, California.

  
\_\_\_\_\_  
Amanda V. Dwight

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

Mailed: February 25, 2002

Opposition No 91150903  
Serial No. 76100387

BARBARA A. FRIEDMAN  
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WASHINGTON, DC 20004

Internet Superbrand, Inc.

v.

Yesterdayland

Amanda V. Dwight, Esq.  
Levin & Hawes, LLP  
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Laguna Beach, CA 92651

Juan M. Porter, Legal Assistant

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

**ANSWER IS DUE FORTY DAYS** after the mailing date hereof.  
(See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64.

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A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

**Discovery and testimony periods are set as follows:**

Discovery period to open:	March 17, 2002
Discovery period to close:	September 13, 2002
30-day testimony period for party in position of plaintiff to close:	December 12, 2002
30-day testimony period for party in position of defendant to close:	February 10, 2003
15-day rebuttal testimony period for plaintiff to close:	March 27, 2003

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

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.

**NOTE:** The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the

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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.