

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baez

Mailed: June 22, 2006

Opposition No. 91160685

KP Sports, Inc.

v.

HUF Canada, Inc.

Cindy B. Greenbaum, Attorney:

On April 26, 2006, applicant was allowed thirty days to show cause why the Board should not enter default judgment against applicant for applicant's failure to file a timely answer.

In response, applicant states that the Board mailed the January 11, 2006 resumption order to applicant's former attorneys, even though applicant's current attorneys had filed a change of address with the Board on November 15, 2006, and that applicant's current attorneys did not receive the January 11, 2006 order.

The record clearly shows that applicant's failure to file a timely answer in this opposition proceeding was neither willful nor unduly prejudicial, but due to applicant's non-receipt of the Board's January 11, 2006 resumption order. *See Fred Hayman*

Beverly Hills, Inc. v. Jacques Bernier, Inc., 21 USPQ2d 1556
(TTAB 1991).

The Board is persuaded that the foregoing reason constitutes good cause to set aside applicant's default. Accordingly, the notice of default is discharged.

Applicant is allowed until **thirty days** from the mailing date of this order to file an answer to the notice of opposition.

Discovery is open and the close of discovery and trial dates are set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	September 22, 2006
30-day testimony period for party in position of plaintiff to close:	December 21, 2006
30-day testimony period for party in position of defendant to close:	February 19, 2007
15-day rebuttal testimony period to close:	April 5, 2007

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.

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.