

ESTTA Tracking number: **ESTTA170163**

Filing date: **10/22/2007**

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

Proceeding	91174328
Party	Plaintiff INTRAVISION TECHNOLOGIES, LLC
Correspondence Address	Susan E. Hollander, Esq. Manatt, Phelps & Phillips, LLP 1001 Page Mill Road, Building 2 Palo Alto, CA 94304 UNITED STATES patrademarks@manatt.com
Submission	Opposition/Response to Motion
Filer's Name	Kimberley J. Thompson, Paralegal
Filer's e-mail	patrademarks@manatt.com
Signature	/Kimberley J. Thompson/
Date	10/22/2007
Attachments	TTAB-Opposers Response- YOUR EYE.PDF (35 pages)(2211783 bytes)

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

In the matter of Serial No. 78/666,540
For the mark YOUR EYE IN F&I
Filed: July 8, 2005
Published: October 3, 2006

Intravision Technologies, LLC,)	Opposition No. 91174328
)	
Opposer,)	OPPOSER'S RESPONSE TO
)	APPLICANT'S MOTION TO SET ASIDE
v.)	NOTICE OF DEFAULT AND TO ALLOW
)	FILING OF ANSWER
Innovative Aftermarket Systems, L.P.,)	
)	
Applicant.)	
)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO SET
ASIDE NOTICE OF DEFAULT AND TO ALLOW FILING OF ANSWER**

Applicant Innovative Aftermarket Systems, L.P. ("Applicant") has moved to set aside the Board's Notice of Default entered against Applicant under Fed. R. Civ. P. 55(a) on August 31, 2007. Opposer Intravision Technologies, LLC ("Opposer") respectfully requests that Applicant's motion be denied.

Relevant Facts

On December 1, 2006, Opposer filed its Notice of Opposition against United States Service Mark Application Serial No. 78/666,540 for the mark YOUR EYE IN F&I based on Opposer's federal service mark Registration No. 3,016,172 for the mark WE'RE THE EYE IN F&I. On December 1, 2006, the Board issued its Notice instituting this proceeding and setting trial dates (the "Board Notice") and served it, along with a copy of Opposer's Notice of

Opposition, upon Applicant at Applicant's address of record pursuant to TBMP § 309.02(c). Declaration of Laura M. Franco submitted herewith ("Franco Decl."), ¶ 3. The Board Notice stated that the "ANSWER IS DUE FORTY DAYS after the transmission date" thereof. *Id.* (emphasis in original). On this basis, Applicant's Answer was due on January 10, 2007. *Id.*

Applicant subsequently filed four separate motions to extend its time to answer the Notice of Opposition. Applicant's fourth motion, submitted to the Board on May 10, 2007, Applicant requested an extension from May 10 until July 9 to answer. The Board granted all of Applicant's motions except for the fourth May 10, 2007 motion. Franco Decl. ¶ 4. Accordingly, Applicant's Answer was due May 10, 2007. *Id.* Applicant did not file its Answer until October 1, 2007, well after the Board entered Notice of Default against Applicant on August 31, 2007. *Id.* At this point in the proceedings, discovery has closed, Opposer's Testimony period has expired, and Applicant's testimony period has already begun. Franco Decl. ¶ 5. Accordingly, Applicant's motion should be denied.

Argument

Pursuant to TBMP §§ 312.01 and 508, 37 C.F.R. § 2.106(a) and Fed. R. Civ. P. 55, Applicant is in default, and the Board properly entered Notice of Default against Applicant on August 31, 2007. Incredibly, Applicant now seeks to set aside the Notice of Default, claiming that its delay was not the result of willful conduct or gross neglect and that Opposer will not be substantially prejudiced by Applicant's delay, among other things. Each of the excuses Respondent proffers is deficient. Applicant's motion should be denied.

"Good cause why default judgment should not be entered against a defendant, for failure to file a timely answer to the complaint, is usually found when the defendant shows that (1) the delay in filing an answer was not the result of willful conduct or gross neglect on the part of the defendant, (2) the plaintiff will not be substantially prejudiced by the delay, and (3) the

defendant has a meritorious defense to the action.” TBMP § 312.02; *DeLorme Publ’g Co. v. Eartha’s Inc.*, 60 U.S.P.Q.2d 1222, 1223 (T.T.A.B. 2001). “A motion to set aside a default is addressed to the sound discretion of the court.” *Paolo’s Assocs. Ltd. Partnership v. Bodo*, 21 U.S.P.Q.2d 1899, 1902 (Com’r Pat. & Trademarks 1991). As applied to the facts at hand, it is clear that Applicant failed to make a showing of good cause.

A. Applicant’s delay in filing was the result of willful conduct or gross neglect.

Applicant states that its failure to answer the Notice of Opposition does not constitute willful conduct or gross neglect because counsel recently changed law firms and thus did not receive personal notice of the Notice of Default until October 1, 2007. Applicant apparently takes the position that its counsel’s failure to receive the Board’s Notice of Default excuses its failure to answer the Notice of Opposition. Applicant’s answer was due May 10, 2007. Applicant’s counsel (and indeed, applicant itself) should have been aware that it was in default beginning May 11, 2007. Yet neither did anything to ascertain the status of this matter, nor did Applicant or its counsel request additional extensions as had been done previously. The failure of Applicant and its counsel to respond for nearly five months evidences an intent not to defend this opposition, or at the very least, amounts to gross neglect. Compare *DeLorme Publ’g Co.*, 60 U.S.P.Q. at 1224 (finding that Applicant’s conduct amounted to gross neglect where applicant filed its answer nearly six months late). At this point in the proceedings, discovery has closed, Opposer’s Testimony period has already expired, and Applicant’s testimony period has already opened.

Applicant further states that it understood that it had a pending unresolved Motion to Reset Scheduling Order Dates and to Enlarge Time to Answer Notice of Opposition. Applicant apparently takes the position that the Board’s failure to rule on Applicant’s prior motion excuses its failure to answer the Notice of Opposition. If Applicant was concerned about the status of its

pending motion, it could have contacted the Board, or even Opposer, by telephone or in writing. However, Applicant did nothing to preserve its rights, such as filing a pro-forma answer or seek other dispensation, until now, five months after the due date for its answer. Simply stated, Applicant failure to act is not excusable.

B. The delay will result in substantial prejudice to Opposer.

The delay in this case is substantial. Nearly five months have passed since the expiration of Applicant's deadline to Answer. If not for Applicant's delay in answering, the parties would have already completed the taking of discovery, and Opposer would have completed the taking of its testimony. If the Board were to grant Applicant's Motion to Set Aside Notice of Default and to Allow Filing of Answer, the Board would also need to reopen the discovery period and Opposer's testimony period as well as extend all other trial dates, for many months. Such a delay will substantially prejudice Opposer by affecting its business strategy and cause Opposer to incur additional legal costs in prosecuting this matter. Moreover, Opposer will likely encounter increased difficulty in proving its case due to such causes as the loss of records, destruction of evidence, fading memories, and the unavailability of witnesses, among others. *Cf. Chitimacha Tribe of Louisiana v. Harry L. Laws Co.*, 690 F.2d 1157, 1163 (5th Cir. 1982) ("Mere passage of time need not result in a denial of leave to amend, but delay becomes fatal at some period of time").

Further, Applicant's inaction has caused additional delays due to the time it takes to brief and decide its motion to set aside notice of default, which not only has a substantial prejudicial effect on Opposer and this proceeding, but on the Board and other litigants as well. As the Court noted in Hudson:

Needless to say, such a delay would have a substantial effect on this proceeding, as well as the Board's docket in general. Both the Board and [applicant Hudson] clearly have an interest in seeing the expeditious resolution of this proceeding. Furthermore, the Board's workload is unnecessarily increased when it must devote time and resources to ruling on motions resulting from avoidable delays. In that respect, [opposer Old Nutfield's] inaction in this case has affected not just [Hudson], but other litigants before the Board.

Old Nutfield Brewing Co., Ltd. v. Hudson Valley Brewing Co., Inc., 65 U.S.P.Q.2d 1701, 2002 WL 1832021, at *3 (T.T.A.B. Aug. 6, 2002).

Based on the foregoing, Opposer respectfully requests that (1) Applicant's Motion to Set Aside Notice of Default and to Allow Filing of Answer be denied, (2) default judgment be entered against Applicant and in favor of Opposer in this opposition proceeding, and (3) registration of Application Serial No. 78/666,540 be refused.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

Dated: October 22, 2007

By: 

Susan E. Hollander, Esq.

Laura M. Franco, Esq.

Allen M. Lee, Esq.

Manatt, Phelps & Phillips, LLP

1001 Page Mill Road, Bldg. 2

Palo Alto, CA 94304

Attorneys for Opposer

INTRA VISION TECHNOLOGIES, LLC

**DECLARATION OF LAURA M. FRANCO IN SUPPORT
OF OPPOSER'S RESPONSE TO APPLICANT'S MOTION
TO SET ASIDE NOTICE OF DEFAULT AND TO ALLOW FILING OF ANSWER**

I, Laura M. Franco, declare:

1. I am an attorney admitted to practice in the State of California, and am a partner in the law firm of Manatt, Phelps & Phillips, LLP, attorneys for Opposer Intravision Technologies, LLC ("Opposer"). If called upon to testify to the matters stated herein, I would and could do so based upon my personal knowledge except where otherwise indicated. I base that knowledge upon my personal participation in the matters described and upon my review of the file in preparation of this declaration.

2. The online records of the United States Patent and Trademark Office ("USPTO") indicate that Applicant Innovative Aftermarket Systems, L.P. ("Applicant") owns Application Serial No. 78/666,540 for YOUR EYE IN F&I ("Applicant's mark"), and that Applicant's mark was published for opposition on October 3, 2006.

3. On December 1, 2006, Opposer filed its Notice of Opposition against United States Trademark Application Serial No. 78/666,540 for the mark YOUR EYE IN F&I based on Opposer's federal service mark Registration No. 3,016,172 for the mark WE'RE THE EYE IN F&I. On December 1, 2006, the Board issued its Notice instituting this proceeding and setting trial dates (the "Board Notice"). Upon information and belief, the Board served the Board Notice and Opposer's Notice of Opposition upon Applicant at Applicant's address of record pursuant to TBMP § 309.02(c). True and correct copies of Opposer's Notice of Opposition and the Board Notice are attached hereto as Exhibit A. The Board Notice stated that the "ANSWER IS DUE FORTY DAYS after the transmission date" thereof. *Id.* (emphasis in original). On this basis, Applicant's Answer was due on January 10, 2007.

4. Applicant subsequently filed four separate motions to extend its time to answer the Notice of Opposition. Applicant's fourth motion, submitted to the Board on May 10, 2007, Applicant requested an extension from May 10 until July 9 to answer. True and correct

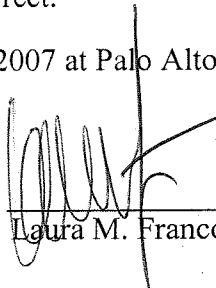
copies of Opposer's Motions for Enlargement of Time to Answer Notice of Opposition are attached collectively hereto as Exhibit B. The Board granted all of Applicant's motions except for the fourth May 10, 2007 motion. True and correct copies of the Board's Orders granting Opposer's Motions for Enlargement of Time to Answer Notice of Opposition are attached collectively hereto as Exhibit C. Accordingly, Applicant's Answer was due May 10, 2007.

5. Applicant did not file its Answer until October 1, 2007, well after the Board entered Notice of Default against Applicant on August 31, 2007. A true and correct copy of the Board's Notice of Default dated August 31, 2007 is attached hereto as Exhibit D. At this point in the proceedings, discovery has closed, Opposer's Testimony period has expired, and Applicant's testimony period has already opened.

6. During the period between May 10, 2007 to the present, I was not contacted by Applicant or its counsel, and the files of this matter do not indicate that Applicant or its counsel ever tried contacting Opposer regarding an extension of the deadlines.

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

Executed this 22nd day of October, 2007 at Palo Alto, California.



Laura M. Franco

EXHIBIT A

ESTTA Tracking number: **ESTTA112562**Filing date: **12/01/2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	INTRAVISION TECHNOLOGIES, LLC
Granted to Date of previous extension	12/02/2006
Address	P.O. Box 634 Shawnee Mission, KS 66201 UNITED STATES
Attorney information	Daniel J. Noblitt Noblitt & Gilmore, LLC 4800 North Scottsdale Road Suite 6000 Scottsdale, AZ 85251 UNITED STATES dnoblitt@ngtechlaw.com

Applicant Information

Application No	78666540	Publication date	10/03/2006
Opposition Filing Date	12/01/2006	Opposition Period Ends	12/02/2006
Applicant	INNOVATIVE AFTERMARKET SYSTEMS, L.P. 12800 ANGEL SIDE DRIVE LEANDER, TX 78641 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Providing temporary use of non-downloadable computer software for the reviewing, drafting, and administration of warranties, for records-keeping, for transaction recordation, for promotional presentations, for drafting consumer informed consent verification and for use in employee training in the field of automobile dealer management
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Attachments	AIG.0007_2006-12-01_notice of opposition.pdf (3 pages)(80478 bytes)
Signature	/djn/
Name	Daniel J. Noblitt
Date	12/01/2006

INTRA VISION TECHNOLOGIES, LLC,
Opposer,
v.
INNOVATIVE AFTERMARKET SYSTEMS,
LIMITED PARTNERSHIP,
Applicant.

Opposer, Intravision Technologies, LLC ("Opposer"), a Delaware limited liability company with a business address of P.O. Box 634, Shawnee Mission, Kansas 66201, believes that it is being damaged, and will be damaged, by the registration of the mark YOUR EYE IN F&I shown in Application Serial No. 78/666,540, and hereby opposes the same. As grounds for opposition, Opposer alleges that:

1. Opposer is a Delaware limited liability company with a business address of P.O. Box 634, Shawnee Mission, Kansas 66201.
2. Since prior to the filing date of the subject Application Serial No. 78/666,540, and any date of first use that may be alleged by the applicant, Opposer has used the WE'RE THE EYE IN F&I mark in commerce in connection with developing and integrating hardware and software systems for others for recording, storing, and accessing information.

including hardware and software systems used by automobile dealerships in automobile finance and insurance (F&I) transactions.

3. Opposer is the owner of federal trademark registration No. 3,016,172 for the mark WE'RE THE EYE IN F&I for "Developing and integrating hardware and software systems for others for recording, storing, and accessing information" in International Class 42, filed August 28, 2003, and registered March 25, 2006.
4. Through its long and continuous use of the mark WE'RE THE EYE IN F&I, and substantial advertising and promotion, Opposer has developed valuable goodwill in its WE'RE THE EYE IN F&I mark.

Applicant and its YOUR EYE IN F&I Application

5. On information and belief, the applicant Innovative Aftermarket Systems, L.P., is a Texas limited partnership, composed of IAS Management Services, Inc., a Nevada corporation, having a business address of 12800 Angel Side Drive, Leander, Texas 78641.
6. On information and belief, the applicant is the current owner of intent-to-use Application Serial No. 78/666,540, filed on July 8, 2005, for YOUR EYE IN F&I for use in conjunction with "Providing temporary use of non-downloadable computer software for the reviewing, drafting, and administration of warranties, for records-keeping, for transaction recordation, for promotional presentations, for drafting consumer informed consent verification and for use in employee training in the field of automobile dealer management" in International Class 42.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

7. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 6.


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8. Opposer has continuously used its WE'RE THE EYE IN F&I mark in commerce since prior to the filing date of the subject Application Serial No. 78/666,540, and any date of first use that may be alleged by the applicant.
 9. The applicant seeks to register YOUR EYE IN F&I for services that are closely related to the goods and/or services of Opposer.
 10. The applicant's YOUR EYE IN F&I so resembles Opposer's previously used and registered WE'RE THE EYE IN F&I mark as to be likely, when used in connection with the applicant's services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark shown in Application Serial No. 78/666,540, and requests that the opposition be sustained and that registration to the applicant be refused.

The filing fee of \$300.00 has been submitted electronically. Please charge any additional fees and/or credit any overpayments to Deposit Account No. 50-2993.

Respectfully Submitted,

Date: 01 DEC 2006


Daniel J. Noblitt
Noblitt & Gilmore, LLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, Arizona 85251-7630
Telephone (480) 994-9888
Facsimile (480) 994-9025

Attorney for Opposer
Intravision Technologies, LLC

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: December 1, 2006

Opposition No 91174328
Serial No. 78666540

DAVID G. HENRY
COX SMITH MATTHEWS INCORPORATED
112 E PECAN ST STE 1800
SAN ANTONIO, TX 78205-1521
ipdocket@coxsmith.com

INTRAVISION TECHNOLOGIES, LLC

v.

INNOVATIVE AFTERMARKET SYSTEMS,
L.P.

Daniel J. Noblitt
Noblitt & Gilmore, LLC
4800 North Scottsdale Road Suite 6000
Scottsdale, AZ 85251
dnoblitt@ngtechlaw.com

ESTTA112562

A notice of opposition to the registration sought in the above-identified application has been filed. The notice of opposition can be viewed and printed at
<http://ttabvue.uspto.gov/ttabvue/v?qs=91174328>

ANSWER IS DUE FORTY DAYS after the transmission date hereof. (See Trademark Rule 2.196 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 affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance

with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	December 21, 2006
Discovery period to close:	June 19, 2007
30-day testimony period for party in position of plaintiff to close:	September 17, 2007
30-day testimony period for party in position of defendant to close:	November 16, 2007
15-day rebuttal testimony period for plaintiff to close:	December 31, 2007

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). The notice is 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 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.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

EXHIBIT B

ESTTA Tracking number: **ESTTA118153**

Filing date: **01/05/2007**

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

Proceeding	91174328
Party	Defendant INNOVATIVE AFTERMARKET SYSTEMS, L.P. INNOVATIVE AFTERMARKET SYSTEMS, L.P. 12800 ANGEL SIDE DRIVE LEANDER, TX 78641
Correspondence Address	DAVID G. HENRY COX SMITH MATTHEWS INCORPORATED 112 E PECAN ST STE 1800 SAN ANTONIO, TX 78205-1521
Submission	Motion to Extend
Filer's Name	Kristi F. Nickel
Filer's e-mail	ipdocket@coxsmith.com
Signature	/kristi f nickel/
Date	01/05/2007
Attachments	IASMOTIONTOENLARGE.PDF (2 pages)(78379 bytes)

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

INTRAVISION TECHNOLOGIES, INC.

Opposer

v.

INNOVATIVE AFTERMARK
SYSTEMS, INC.

Applicant.

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Opposition No. 91174328
Serial No. 78/666,540

**MOTION FOR ENLARGEMENT
OF TIME TO ANSWER NOTICE OF OPPOSITION**

Pursuant to Rule 6(b), Federal Rules of Civil Procedure, Applicant, Innovative Aftermarket Systems, L.P. ("IAS"), files its Motion for Enlargement of Time to Answer Notice of Opposition.

Applicant, IAS, located at 12800 Angel Side Drive, Leander, Texas 78641, through its undersigned attorney, requests an extension of time to file an Answer to the Notice of Opposition against Application Serial No. 78/666,540 filed by Opposer, Intravision Technologies, Inc., through its attorney on December 1, 2006 and assigned Opposition No. 91174328. Applicant respectfully requests an additional sixty (60) day extension of time beyond the current due date of January 10, 2007, up to and including March 11, 2007.

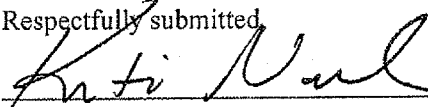
Respondent has good cause for requesting such a sixty (60) day extension of time in that Respondent needs additional time to investigate the claim and feasibility of defending this Opposition. This request is not made for the purpose of unduly delaying proceedings.

A copy of this request is being sent to Petitioner. A copy of the Certificate of Service enclosed.

WHEREFORE, Applicant respectfully requests that the Board grant this Motion for Enlargement of Time to Answer Notice of Opposition and allow Applicant an additional sixty (60) days to file its answer up to and including March 11, 2007.

Date: 1/5/07

Respectfully submitted,



David G. Henry

Reg. No. 32,735

Kristi F. Nickel

TSB No. 24027573

COX SMITH MATTHEWS INCORPORATED

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

(210) 554-5500

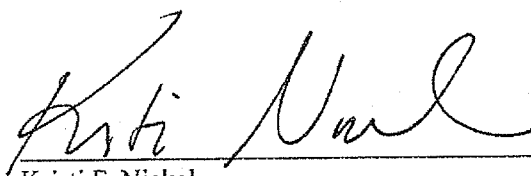
(210) 226-8395 - Fax

**ATTORNEYS FOR APPLICANT,
INNOVATIVE AFTERMARKET SYSTEMS, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Enlargement of Time to Answer Notice of Opposition has been forwarded by certified mail, return receipt requested to the following counsel of record on this 5 day of January, 2007:

Mr. Daniel J. Noblitt
Noblitt & Gilmore, LLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, AZ 85251-7630



Kristi F. Nickel

ESTTA Tracking number: **ESTTA129931**

Filing date: **03/14/2007**

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

Proceeding	91174328
Party	Defendant INNOVATIVE AFTERMARKET SYSTEMS, L.P. INNOVATIVE AFTERMARKET SYSTEMS, L.P. 12800 ANGEL SIDE DRIVE LEANDER, TX 78641 ipdocket@coxsmith.com
Correspondence Address	DAVID G. HENRY COX SMITH MATTHEWS INCORPORATED 112 E PECAN ST STE 1800 SAN ANTONIO, TX 78205-1521 UNITED STATES ipdocket@coxsmith.com
Submission	Other Motions/Papers
Filer's Name	Pamela B. Huff
Filer's e-mail	ipdocket@coxsmith.com
Signature	/pbhuff35901/
Date	03/14/2007
Attachments	IASSECMOTFORENLARG.PDF (2 pages)(78472 bytes)

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

INTRAVISION TECHNOLOGIES, INC.
Opposer

v.

INNOVATIVE AFTERMARK
SYSTEMS, INC.

Applicant.

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Opposition No. 91174328
Serial No. 78/666,540

**SECOND MOTION FOR ENLARGEMENT
OF TIME TO ANSWER NOTICE OF OPPOSITION**

Pursuant to Rule 6(b), Federal Rules of Civil Procedure, Applicant, Innovative Aftermarket Systems, L.P. ("IAS"), files its Second Motion for Enlargement of Time to Answer Notice of Opposition.

Applicant, IAS, located at 12800 Angel Side Drive, Leander, Texas 78641, through its undersigned attorney, requests an extension of time to file an Answer to the Notice of Opposition against Application Serial No. 78/666,540 filed by Opposer, Intravision Technologies, Inc., through its attorney on December 1, 2006 and assigned Opposition No. 91174328. Applicant respectfully requests an additional thirty (30) day extension of time beyond the current due date of March 11, 2007, up to and including April 10, 2007.

Respondent has good cause for requesting such a thirty (30) day extension of time in that Respondent needs additional time to investigate the claim and feasibility of defending this Opposition. This request is not made for the purpose of unduly delaying proceedings.

A copy of this request is being sent to Petitioner. A copy of the Certificate of Service enclosed.

WHEREFORE, Applicant respectfully requests that the Board grant this Second Motion for Enlargement of Time to Answer Notice of Opposition and allow Applicant an additional thirty (30) days to file its answer up to and including April 10, 2007.

Date: 3/14/07

Respectfully submitted,

Pamela B. Huff

David G. Henry, Reg. No. 32,735

Pamela B. Huff, Reg. No. 35,901

Kristi F. Nickel, TSB No. 24027573

COX SMITH MATTHEWS INCORPORATED

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

(210) 554-5500

(210) 226-8395 - Fax

**ATTORNEYS FOR APPLICANT,
INNOVATIVE AFTERMARKET SYSTEMS, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Enlargement of Time to Answer Notice of Opposition has been forwarded by certified mail, return receipt requested to the following counsel of record on this 14th day of March, 2007:

Mr. Daniel J. Noblitt
Noblitt & Gilmore, LLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, AZ 85251-7630

Pamela B. Huff

Pamela B. Huff

ESTTA Tracking number: **ESTTA134473**

Filing date: **04/10/2007**

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

Proceeding	91174328
Party	Defendant INNOVATIVE AFTERMARKET SYSTEMS, L.P. INNOVATIVE AFTERMARKET SYSTEMS, L.P. 12800 ANGEL SIDE DRIVE LEANDER, TX 78641 ipdocket@coxsmith.com
Correspondence Address	DAVID G. HENRY COX SMITH MATTHEWS INCORPORATED 112 E PECAN ST STE 1800 SAN ANTONIO, TX 78205-1521 UNITED STATES ipdocket@coxsmith.com
Submission	Other Motions/Papers
Filer's Name	Kristi F. Nickel
Filer's e-mail	ipdocket@coxsmith.com
Signature	/kfnickel/
Date	04/10/2007
Attachments	IASTHIRDEXTREQ.PDF (2 pages)(93273 bytes)

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

INTRAVISION TECHNOLOGIES, INC.	§	
Opposer	§	
	§	
v.	§	Opposition No. 91174328
	§	Serial No. 78/666,540
INNOVATIVE AFTERMARK	§	
SYSTEMS, INC.	§	
Applicant.	§	

**THIRD MOTION FOR ENLARGEMENT
OF TIME TO ANSWER NOTICE OF OPPOSITION**

Pursuant to Rule 6(b), Federal Rules of Civil Procedure, Applicant, Innovative Aftermarket Systems, L.P. ("IAS"), files its Third Motion for Enlargement of Time to Answer Notice of Opposition.

Applicant, IAS, located at 12800 Angel Side Drive, Leander, Texas 78641, through its undersigned attorney, requests an extension of time to file an Answer to the Notice of Opposition against Application Serial No. 78/666,540 filed by Opposer, Intravision Technologies, Inc., through its attorney on December 1, 2006 and assigned Opposition No. 91174328. Applicant respectfully requests an additional thirty (30) day extension of time beyond the current due date of March 11, 2007, up to and including May 10, 2007.

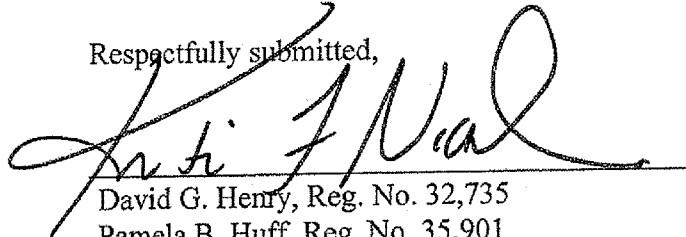
Respondent has good cause for requesting such a thirty (30) day extension of time in that Respondent needs additional time to investigate the claim and feasibility of defending this Opposition. This request is not made for the purpose of unduly delaying proceedings.

A copy of this request is being sent to Petitioner. A copy of the Certificate of Service enclosed.

WHEREFORE, Applicant respectfully requests that the Board grant this Second Motion for Enlargement of Time to Answer Notice of Opposition and allow Applicant an additional thirty (30) days to file its answer up to and including May 10, 2007.

Date: 4/10/07

Respectfully submitted,



David G. Henry, Reg. No. 32,735

Pamela B. Huff, Reg. No. 35,901

Kristi F. Nickel, TSB No. 24027573

COX SMITH MATTHEWS INCORPORATED

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

(210) 554-5500

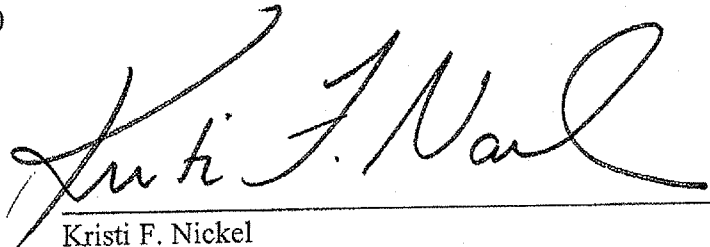
(210) 226-8395 - Fax

**ATTORNEYS FOR APPLICANT,
INNOVATIVE AFTERMARKET SYSTEMS, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Enlargement of Time to Answer Notice of Opposition has been forwarded by certified mail, return receipt requested to the following counsel of record on this 10th day of April, 2007:

Mr. Daniel J. Noblitt
Noblitt & Gilmore, LLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, AZ 85251-7630


Kristi F. Nickel

ESTTA Tracking number: **ESTTA139935**

Filing date: **05/10/2007**

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

Proceeding	91174328
Party	Defendant INNOVATIVE AFTERMARKET SYSTEMS, L.P. INNOVATIVE AFTERMARKET SYSTEMS, L.P. 12800 ANGEL SIDE DRIVE LEANDER, TX 78641 ipdocket@coxsmith.com
Correspondence Address	DAVID G. HENRY COX SMITH MATTHEWS INCORPORATED 112 E PECAN ST STE 1800 SAN ANTONIO, TX 78205-1521 UNITED STATES ipdocket@coxsmith.com
Submission	Other Motions/Papers
Filer's Name	Kristi F. Nickel
Filer's e-mail	ipdocket@coxsmith.com
Signature	/kfnickel/
Date	05/10/2007
Attachments	MOTRESETENLARGE.PDF (3 pages)(129904 bytes)

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

INTRAVISION TECHNOLOGIES, INC. §

Opposer §

v. §

INNOVATIVE AFTERMARK §
SYSTEMS, INC. §

Applicant. §

Opposition No. 91174328

Serial No. 78/666,540

**MOTION TO RESET SCHEDULING ORDER DATES
AND TO ENLARGE TIME TO ANSWER NOTICE OF OPPOSITION**

In accordance with 37 C.F.R. §2.121(d), Applicant, Innovative Aftermarket Systems, L.P. ("IAS"), hereby requests that the discovery, testimony periods, and briefing schedule be reset as follows:

	Old Date	New Date
The Period for Discovery to Close	June 19, 2007	August 18, 2007
Testimony period for party in position of plaintiff to close (opening thirty days prior thereto)	September 17, 2007	November 16, 2007
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	November 16, 2007	January 15, 2008
Rebuttal testimony period to close (opening fifteen days prior thereto)	December 30, 2007	February 28, 2008

The above schedule is sought in order to facilitate the orderly conduct of the proceedings and settlement efforts.

Further, pursuant to Rule 6(b), Federal Rules of Civil Procedure, IAS moves for Enlargement of Time to Answer Notice of Opposition. Applicant, IAS, located at 12800 Angel Side Drive, Leander, Texas 78641, through its undersigned attorney, requests an extension of

time to file an Answer to the Notice of Opposition against Application Serial No. 78/666,540 filed by Opposer, Intravision Technologies, Inc., through its attorney on December 1, 2006 and assigned Opposition No. 91174328. Applicant respectfully requests an additional sixty (60) day extension of time beyond the current due date of May 10, 2007, up to and including July 9, 2007.

Respondent has good cause for requesting such a sixty (60) day extension of time in that one of Respondent's employees having relevant information needed to defend this Opposition is on extended medical leave and Respondent therefore needs additional time to investigate the claim and feasibility of defending this Opposition. This request is not made for the purpose of unduly delaying proceedings.

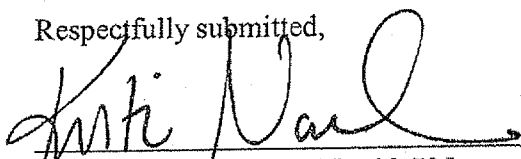
A copy of this request is being sent to Petitioner. A copy of the Certificate of Service enclosed.

WHEREFORE, Applicant respectfully requests that the Board grant this Motion to Reset Scheduling Order Dates and to Enlarge Time to Answer Notice of Opposition and allow Applicant an additional sixty (60) days to file its answer up to and including July 9, 2007.

Date:

5/10/07

Respectfully submitted,



David G. Henry, Reg. No. 32,735

Pamela B. Huff, Reg. No. 35,901

Kristi F. Nickel, TSB No. 24027573

COX SMITH MATTHEWS INCORPORATED

112 East Pecan Street, Suite 1800

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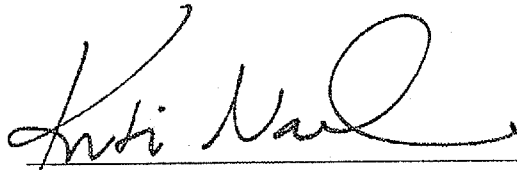
(210) 226-8395 - Fax

**ATTORNEYS FOR APPLICANT,
INNOVATIVE AFTERMARKET SYSTEMS, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Enlargement of Time to Answer Notice of Opposition has been forwarded by certified mail, return receipt requested to the following counsel of record on this 10th day of May, 2007:

Mr. Daniel J. Noblitt
Noblitt & Gilmore, LLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, AZ 85251-7630

A handwritten signature in black ink, appearing to read "Kristi Nickel", written over a horizontal line.

Kristi F. Nickel

EXHIBIT C

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

Mailed: February 13, 2007

Opposition No. 91174328

INTRAVISION TECHNOLOGIES,
LLC

v.

INNOVATIVE AFTERMARKET
SYSTEMS, L.P.

David Mermelstein, Administrative Trademark Judge:

Applicant's uncontested motion to extend its time to
answer is GRANTED as conceded. Trademark Rule 2.127(a).
Applicant's answer is due on or before March 11, 2007.

.oOo.

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

tdc/CBG

Mailed: April 25, 2007

Opposition No. 91174328

INTRAVISION TECHNOLOGIES, LLC

v. .

INNOVATIVE AFTERMARKET
SYSTEMS, L.P.

Tyrone Craven, Paralegal:

Applicant's uncontested motion (filed March 14, 2007) to reopen its time to file an answer to the notice of opposition is granted as conceded.¹ See Trademark Rule 2.127(a).

Accordingly, applicant's answer is due on or before April 10, 2007.

Trial dates remain as indicated in the Board's institution order.

¹ As applicant's answer, as originally reset, was due March 11, 2007, the Board construes this motion as one to reopen, rather than to extend, applicant's time to file an answer. See Fed. R. Civ. P. 6(b). The Board will hold in abeyance applicant's April 10, 2007 motion for a further extension, pending a possible response from opposer.

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

tdc

Mailed: May 11, 2007

Opposition No. 91174328

INTRAVISION TECHNOLOGIES, LLC

v.

INNOVATIVE AFTERMARKET
SYSTEMS, L.P.

Tyrone Craven, Paralegal:

Applicant's uncontested motion (filed April 10, 2007)
to extend time to file its answer to the notice of
opposition is granted as conceded.¹ See Trademark Rule
2.127(a).

Accordingly, applicant's answer is due on or before May
10, 2007.

Trial dates remain as indicated in the Board's
institution order.

¹ The Board will hold in abeyance applicant's May 10, 2007 motion
for a further extension, pending a possible response from
opposer.

EXHIBIT D

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

Mailed: August 31, 2007

Opposition No. 91174328

INTRAVISION TECHNOLOGIES, LLC

v.

INNOVATIVE AFTERMARKET
SYSTEMS, L.P.

Tina Craven, Paralegal Specialist:

Answer was due (as last reset) in this case on May 10, 2007. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to further extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

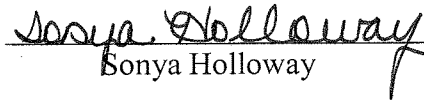
Applicant is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO SET ASIDE NOTICE OF DEFAULT AND TO ALLOW FILING OF ANSWER AND DECLARATION OF LAURA M. FRANCO IN SUPPORT THEREOF has been served on Applicant by mailing said copy, via First Class Mail, postage prepaid to:

David G. Henry, Esq.
Hughes & Luce LLP
1717 Main Street, Suite 2800
Dallas, TX 75201

on this 22nd day of October, 2007.


Sonya Holloway