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

Proceeding	91175940
Party	Defendant OLIVE OIL WORLD TRADE, S.L. OLIVE OIL WORLD TRADE, S.L. Pza. del Castillo, 2-1? Pamplona, ES E31001
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Date	05/24/2007
Attachments	udapi-resp.pdf (3 pages)(21593 bytes)

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

MARYELLEN KANE)	
)	
Opposer,)	Opposition Number: 91175940
)	
v.)	
)	Interlocutory Attorney: ANGELA LYKOS
OLIVE OIL WORLD TRADE, S.L.)	US application number: 79021309
)	Mark: OLIVE OIL
Applicant.)	
)	

APPLICANT’S RESPONSE TO NOTICE OF DEFAULT

The following is in response to the “Notice of Default” mailed on April 27, 2007.

Applicant, Olive Oil World Trade, S.L. is a Spanish Limited Liability Corporation with its principal place of business at Pza. del Castillo, 2-1^o, Pamplona E31001, Spain.

Applicant’s attorney first began representation of Applicant after Applicant received an Office Action regarding its Application 79/021,309. (Application 79/021,309 was the result of a Madrid Application which designated the U.S.) The Office Action communicated several issues some of which were informalities that needed to be addressed as a result of the different styles of trademark prosecution between the U.S. and Spain.

Eventually, the application was published for Opposition.

Applicant’s attorney received the Notice of Opposition and forwarded it to Applicant via email on March 2, 2007. Applicant’s attorney repeatedly attempted to contact Applicant as the April 9, 2007 answer date approached, but was unable to get a response from Applicant.

Applicant’s attorney received the Notice of Default and forwarded it to Applicant via email on April 27, 2007. Applicant’s attorney finally heard from Applicant on May 21, 2007 to please file a response to the Notice of Default and Answer the Opposition. Applicant also explained that “the failure to file an Answer to the Opposition resulted from a mistake and was not intentional.”

Reading through the email messages that had been sent to Applicant, Applicant’s Attorney notes that both the date to answer and the date of the close of discovery were provided. It is possible that the date of the close of discovery was that date which Applicant thought a response was needed. While that may or may not have been the actual issue, we believe that the failure for Applicant to provide instructions for the Answer was still due in part to the challenging communications with a foreign client in a non-English speaking country.

We respectfully request that a default judgment not be issued and that the opposition continue on the merits.

Respectfully,

_____/s/_____
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Attorney for Applicant

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Applicant's Response to Notice of Default** has been served on Samuel W. Apicelli and Maxim A. Voltchenko, attorneys for Opposer on May 24, 2007, via First Class Mail, to:

Samuel W. Apcielli
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_____/s/_____
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