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Filing date: **12/26/2007**

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

Proceeding	91178524
Party	Defendant Food Pantry, Ltd.
Correspondence Address	MICHAEL E. MANGELSON STOEL RIVES LLP 201 S MAIN ST., STE 1100 SALT LAKE CITY, UT 84111-4904 UNITED STATES MEMANGELSON@stoel.com
Submission	Other Motions/Papers
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Date	12/26/2007
Attachments	Motion to Set Aside.PDF ( 4 pages )(81413 bytes )

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

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<b>OASIS STORES LIMITED,</b>	)	In the Matter of Application Serial No.
	)	78/900,233
Opposer,	)	
	)	Mark: OASIS LIFESTYLE and Design
v.	)	
	)	Filed: June 5, 2006
<b>FOOD PANTRY, LTD.,</b>	)	
	)	Published On: January 9, 2007
Applicant.	)	
	)	Opposition No. 91178524

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**MOTION TO SET ASIDE NOTICE OF DEFAULT AND REQUEST FOR EXTENSION**  
**OF TIME TO ANSWER WITH CONSENT**

Food Pantry, Ltd. (“Applicant”) hereby responds to the Notice of Default to show cause why default judgment should not be entered against it and to further request that it be granted an extension of time in which to file an answer.

1. Applicant’s answer was due on November 1, 2007 and the discovery period is set to close on February 9, 2008.

2. Applicant’s failure to file an answer, or otherwise file a motion to further extend its time to answer, was not the result of willful conduct or gross neglect on the part of the Applicant.

Applicant intended to file a motion to further extend its time to answer because settlement discussions were delayed when Oasis Stores, Ltd. (“Opposer”) underwent a personnel change.

However, due to an inadvertent error, the request for an extension of time was not filed.

Applicant's unintentional failure to request an extension of time is further evidenced by the fact that Applicant did request an extension of time to answer in another related opposition (Opposition No. 91180628) between Applicant and Opposer that is also the subject of the parties current settlement discussions.

3. Opposer will not be substantially prejudiced by the delay as Applicant and Opposer have continued to engage in settlement discussions, despite the fact that Applicant did not seek an extension of time to file an answer earlier.

4. Applicant has a meritorious defense to the action. There is no likelihood of confusion between the marks at issue since Applicant's mark contains the additional word LIFESTYLE and a highly distinctive design element.

5. Accordingly, Applicant respectfully requests that default judgment is not entered.

6. Applicant further requests that it be granted an extension of time to answer. Specifically, Applicant requests that it be granted an extension until January 17, 2008, which is the extension date for Applicant to file its answer in Opposition No. 91180628. The grounds for Applicant's request are, as stated above, that the parties are continuing to discuss settlement.

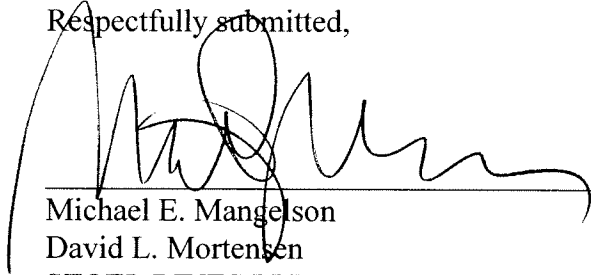
7. Applicant secured the express consent of Opposer to extend the opposition proceedings pending the outcome of the current settlement negotiations between the parties.

8. Applicant provides the following email addresses for itself and for the opposing party so that any order on this motion may be issued electronically by the Board:

memangelson@stoel.com and erik.bertin@dechert.com.

DATED: December 26, 2007

Respectfully submitted,



Michael E. Mangelson

David L. Mortensen

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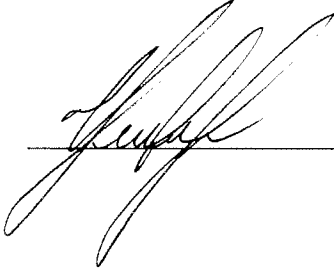
Attorney for Applicant Food Pantry, Ltd.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing **MOTION TO SET ASIDE NOTICE OF DEFAULT AND REQUEST FOR EXTENSION OF TIME TO ANSWER WITH CONSENT** on the following by first class mail:

Glenn A. Gundersen  
Erik J. Bertin  
DECHERT LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104-2808

Dated this 26<sup>th</sup> day of December, 2007.



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