

ESTTA Tracking number: **ESTTA347160**

Filing date: **05/12/2010**

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

Proceeding	91194379
Party	Plaintiff Cornfields, Inc.
Correspondence Address	Richard B. Biagi Neal & McDevitt, LLC 1776 Ash Street Northfield, IL 60093 UNITED STATES pto@nealmcdevitt.com
Submission	Motion for Default Judgment
Filer's Name	Richard B. Biagi
Filer's e-mail	pto@nealmcdevitt.com
Signature	/Richard B. Biagi/
Date	05/12/2010
Attachments	20100512 Response to Motion for Extension of Time to Answer.pdf ( 3 pages (15946 bytes )

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

*In the matter of Trademark Application No. 77/780,921*

*For the Mark SKINNY MUNCH – Int. Class 30*

*Filed on July 14, 2009*

*Published on December 1, 2009*

_____	)	
CORNFIELDS, INC.	)	
	)	
Opposer,	)	
	)	Opposition No. 91194379
v.	)	
	)	
ADEENA WEISS,	)	
d/b/a SKINNY MUNCH CORP.	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S RESPONSE TO APPLICANT’S MOTION  
FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD AND  
OPPOSER’S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

CORNFIELDS, INC. (hereinafter “Opposer”), hereby responds to Applicant ADEENA WEISS d/b/a SKINNYMUNCH CORP.’s (hereinafter “Applicant”) Motion for Extension of Time to Answer or Otherwise Plead and moves this Board to enter Default Judgment against Applicant for failure to timely file its Answer.

Opposer vehemently denies Applicant’s assertion that it has obtained Opposer’s consent or stipulation for an extension of time to answer. In fact, Opposer has received absolutely no correspondence from Applicant, whether written or oral, either before or after the filing of this Opposition proceeding. Indeed, Opposer twice contacted Applicant in writing prior to filing this proceeding in an attempt to give Applicant notice of the dispute and an opportunity to resolve

same, but received no response to any such correspondence.

As the Board is acutely aware, stipulations by attorneys in motion practice are absolutely necessary for the Board to carry out its duties in the most efficient manner possible. As such, the Board relies upon the veracity and professionalism of the attorneys when submitting stipulated motions, thereby avoiding the need to have such motion signed by both parties. The fraudulent behavior of Applicant completely undermines this inherent trust between the Board and the attorneys who appear before it, and such egregious behavior should not be rewarded by the granting of Applicant's motion.

Accordingly, Opposer hereby moves this Board to enter Default Judgment against Opposer for failure to timely file its Answer to Opposer's Notice of Opposition, pursuant to Section 508 of the Trademark Board Manual of Procedure and 37 C.F.R. §2.106(a).

For these reasons, Opposer respectfully prays that Applicant's Motion be denied and Opposer's Motion for entry of Default Judgment be granted.

Date: May 12, 2010

Respectfully submitted,

By: /s/ Richard B. Biagi

Richard B. Biagi  
Jeremy M. Roe  
NEAL & MCDEVITT, LLC  
1776 Ash Street  
Northfield, Illinois 60093  
Tel. – 847.441.9100  
Fax. – 847.441.0911

*Attorneys for Opposer,  
Cornfields, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Opposer, hereby certifies that a true and correct copy of the foregoing OPPOSER'S RESPONSE TO APPLICANT'S MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD was served by deposit with the United States Postal Service, First Class, upon:

Adeena Weiss  
28 East Jackson Blvd. #10A  
Chicago, IL 60604-2263

*Correspondent for Applicant*

on this 12th day of May, 2010.

/s/ Jeremy M. Roe

---

*One of the Attorneys for Opposer*