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Filing date: **08/13/2010**

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

Proceeding	91195361
Party	Defendant H2Oasis, Inc.
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Date	08/13/2010
Attachments	Motion to Set Aside Default.pdf ( 4 pages )(761468 bytes )

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

In the Matter of:  
Application Serial No. 77/198,670  
Published in the *Official Gazette*  
December 22, 2009  
Mark: H2Oasis

LVD ACQUISITION, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91195361
	)	
H2OASIS, INC.,	)	
	)	
Applicant.	)	

**MOTION TO SET ASIDE DEFAULT**

Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, Applicant H2Oasis, Inc. (hereinafter “Applicant”), moves the Court to set aside entry of default. In support of its motion, Defendant shows the Court as follows:

1. On April 13, 2010, Applicant received a letter from Opposer, LVD Acquisition, LLC (“Opposer”), summarizing its claims regarding Applicant’s H2Oasis mark, Serial No. 77/198,670 (“670 Mark”).
2. On April 19, 2010, Applicant consented to a sixty (60) day motion to file Notice of Opposition in order to reach a settlement. Such settlement was not reached.
3. On June 21, 2010, Opposer, LVD Acquisition, LLC, filed its Notice of Opposition in this matter;
4. On June 24, 2010, Applicant was served with Opposer’s Notice of Opposition in this matter.

5. A responsive pleading to Opposer's Notice of Opposition was due on July 31, 2010.

6. Shortly after receipt of Opposer's Notice of Opposition by Applicant, the office of counsel for Applicant held an interim scheduling meeting, in which this matter and an unrelated pending USPTO office action with a response date in mid-September were discussed. Due to human error, the response date for this matter was inadvertently scheduled on the internal calendaring system of counsel for Applicant on the September date of the aforementioned office action.

7. On August 12, 2010, Applicant received notice of default from the Trademark Trial and Appeal Board.

8. On August 13, 2010, Applicant filed an Answer to the Notice of Opposition in this matter contemporaneously with this Motion to Set Aside Default;

9. Good cause exists to grant Applicant's motion.

WHEREFORE Applicant H2Oasis, Inc., moves the Trademark Trial and Appeal Board to set aside the default and allow Applicant's Answer to Notice of Opposition, filed contemporaneously to filing and service of this motion, to serve as its responsive pleading to Opposer's Notice of Opposition.

*[The remainder of this page intentionally left blank. Signature page follows.]*

This the 13<sup>th</sup> day of August, 2010.

THE BRAY LAW FIRM, PLLC



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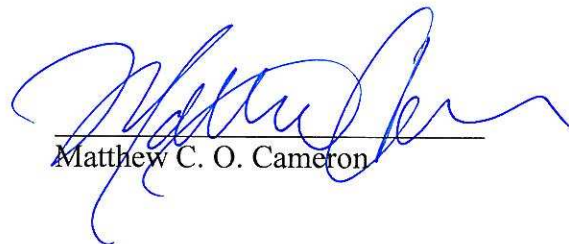
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*Counsel for Applicant*

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing MOTION TO SET ASIDE DEFAULT to be served, via first class mail, postage prepaid, on this the 13<sup>th</sup> day of August, 2010, to counsel for Opposer at the addresses identified on the Notice of Opposition as follows:

Jeffrey S. Standley  
Cheryl S. Scotney  
Standley Law Group, LLP  
6300 Riverside Drive  
Dublin, Ohio 43017

  
\_\_\_\_\_  
Matthew C. O. Cameron