

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

RA

Mailed: February 23, 2012

Opposition No. 91199145

Scott Bizar¹

v.

Monkey House Games

Ann Linnehan, Attorney

On November 7, 2011, the Board deferred consideration of applicant's October 5, 2011 motion to extend and allowed applicant's then-counsel time to file a motion to withdraw. In response, on December 7, 2011, applicant's then-counsel filed a motion to withdraw as counsel of record in this case.

On December 22, 2011, opposer filed a motion for default judgment for applicant's failure to file an answer.²

On January 13, 2012, applicant's new counsel filed a motion to accept applicant's late-filed answer, a copy of the answer, and a notice of appearance.

While the Board notes that applicant's former counsel's December 7, 2011 motion to withdraw fails to comply with all

¹ Opposer's motion for default judgment filed on December 22, 2011 is deferred. Applicant's October 5, 2011 motion to extend is deferred.

² The Board's order of November 7, 2011 is modified to indicate that proceedings were at that point suspended to allow time for the filing of the motion to withdraw.

the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, the Board finds it necessary to accept this withdraw at this point in order to move this case forward.

Applicant's motion to accept its late-filed answer is granted to the extent the Board finds that applicant has demonstrated good cause in needing to find a new attorney to represent it in this proceeding. The answer filed on January 13, 2012 is accepted into the record and is now the operative pleading. Applicant's new counsel is now recognized and the correspondence record for applicant will be changed accordingly.

In view of the above, applicant's motion to extend time is moot and opposer's motion for default judgment is moot.

Dates are reset as follows:

Deadline for Discovery Conference	3/16/2012
Discovery Opens	3/16/2012
Initial Disclosures Due	4/15/2012
Expert Disclosures Due	8/13/2012
Discovery Closes	9/12/2012
Plaintiff's Pretrial Disclosures	10/27/2012
Plaintiff's 30-day Trial Period Ends	12/11/2012
Defendant's Pretrial Disclosures	12/26/2012
Defendant's 30-day Trial Period Ends	2/9/2013
Plaintiff's Rebuttal Disclosures	2/24/2013
Plaintiff's 15-day Rebuttal Period Ends	3/26/2013

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days

after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

A copy of this order has been sent to all persons listed below.

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