

ESTTA Tracking number: **ESTTA716639**

Filing date: **12/28/2015**

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

Proceeding	91213932
Party	Defendant Forbo Flooring UK Limited
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Date	12/28/2015
Attachments	Response to Notice of Default.pdf(41944 bytes)

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

TESSERA, INC. Opposer, v. FORBO FLOORING UK LIMITED. Applicant.	Opposition No. 91213932 Serial No. 79124226 Mark: TESSERA Filing Date: Dec. 12, 2012
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**RESPONSE TO NOTICE OF DEFAULT
& REQUEST TO SUSPEND PROCEEDINGS**

Forbo Flooring UK Limited (“Applicant”), through its undersigned counsel, submits this response to the Board’s Notice of Default issued November 27, 2015, ordering Applicant to show cause why judgment by default should not be entered against it for failure to file a timely Answer under Fed. R. Civ. P. 55. Applicant also respectfully requests suspension of all proceedings for the reasons set for the below.

Applicant’s failure to file a timely Answer was not the result of willful conduct or gross neglect. Rather, at the time of the Answer deadline, Applicant’s International Registration (“IR”) that formed the basis for the opposed Application Serial No. 79124226 (“Application”) was inadvertently cancelled, and thus Applicant was diligently conferring with counsel to confirm the status of the IR and to take steps to file the necessary papers for transformation of the opposed Application to a national application.

Moreover, Applicant was unable to file an Answer because of the uncertainty regarding the cancellation of the IR, the potential abandonment of the Application, the uncertainty the abandonment posed as to the opposition, and the uncertainty as to

whether the transformation to a national application could take the place of the Application.

Under the circumstances, Applicant believes good cause exists to set aside the notice of default and suspend all proceedings. The PTO records currently reflect the IR cancellation and the transformation to a national application. If and when the application transformation is finalized and approved, then the opposed Application may be rendered a “nullity,” and the pending opposition may be rendered moot, resulting in the dismissal of the opposition.

Accordingly, good cause exists to set aside the notice of default and suspend all proceedings pending disposition of the IR and application transformation.

Respectfully Submitted,

Dated: December 28, 2015

By: /David M. Kelly/

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing RESPONSE TO NOTICE OF DEFAULT & REQUEST TO SUSPEND PROCEEDINGS was served by U.S. mail, postage prepaid, on this 28th day of December 2015, upon counsel for Opposer at the following address of record:

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/Jacob T. Mersing/
Jacob T. Mersing
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