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

Proceeding	92064262
Party	Defendant HealthSmart Holdings, Inc.
Correspondence Address	HEALTHSMART HOLDINGS INC 222 W LAS COLINAS BLVD , SUITE 600N IRVING, TX 75039 UNITED STATES
Submission	Motion for Relief from entry of Default Judgment
Filer's Name	D. Whitlow Bivens
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Signature	/D. W. Bivens/
Date	10/05/2016
Attachments	Response to Default.pdf(22471 bytes)

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

Tribal-care Insurance LLC,

Petitioner,

v.

HealthSmart Holdings, Inc.,

Registrant.

Cancellation No. 92064262

Registration No. 4062744

Mark: TRIBALCARE

RESPONSE TO NOTICE OF DEFAULT

RESPONSE TO NOTICE OF DEFAULT

Alliant Specialty Insurance Services, Inc. (“Registrant”) respectfully requests that the Trademark Trial and Appeal Board set aside the entry of default. Registrant’s answer was timely filed pursuant to the Code of Federal Regulations and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”). Thus, the entry of default is improper.

Pursuant to the Federal Code of Regulations, “When the day, or the last day fixed by statute or by regulation under this part for taking any action or paying any fee in the Office falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day that is not a Saturday, Sunday, or a Federal holiday.” 37 CFR § 2.196. The TBMP also provides examples of that rule’s practical application. TBMP section 112 explains, “For example, if as set by the Board, an answer to a complaint falls due on a Saturday, Sunday, or federal holiday within the District of Columbia, an answer filed on the next business day will be considered timely.”

Here, as the Board states in its Notice, answer to the Petition for Cancellation was due on October 1, 2016. However, October 1, 2016 fell on a Saturday. Pursuant to the above discussed authority, Registrant is permitted to file its answer on the next business day, October 3, 2016. Registrant’s answer was filed on October 3, 2016. Thus, Registrant’s answer is timely and default is improper.

Therefore, Registrant respectfully request that the Board forego entry of default.

Dated: October 5, 2016

Respectfully submitted,

By: /D. W. Bivens/

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Insurance Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Response to Notice of Default** is being sent via U.S. mail to Petitioner Tribal-care Insurance LLC attorney of record as follows: Daniel Zamudio, Zamudio Law Professionals, PC, 233 South Colfax Street, Griffith, IN 46319.

Dated: October 5, 2016

/Geneva Wisner/
Geneva Wisner