

ESTTA Tracking number: **ESTTA928935**

Filing date: **10/16/2018**

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

| | |
|------------------------|--|
| Proceeding | 92068736 |
| Party | Defendant South Bay Community Services |
| Correspondence Address | SOUTH BAY COMMUNITY SERVICES c/o THE MAXHAM FIRM, 11682 EL CAMINO REAL SUITE 100 SAN DIEGO, CA 92130 UNITED STATES no email provided no phone number provided |
| Submission | Other Motions/Papers |
| Filer's Name | Lawrence a. maxham |
| Filer's email | lmaxham@maxhamfirm.com, lkaiser@maxhamfirm.com |
| Signature | /Lawrence A. Maxham/ |
| Date | 10/16/2018 |
| Attachments | 92068736.pdf(536486 bytes) |

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

In the Matter of Trademark Serial No.: 87/068,062

For the mark: SOUTH BAY COMMUNITY SERVICES

16 October 2018

Cancellation No. 92068736

| | |
|--|---|
| SOUTH BAY MENTAL HEALTH CENTER INC.) |) |
| Opposer) |) |
| v.) |) |
| SOUTH BAY COMMUNITY SERVICES) |) |
| Applicant) |) |
| <hr style="border: 0.5px solid black;"/> | |

RESPONSE TO NOTICE OF DEFAULT

Defendant, South Bay Community Services, requests that the Board set aside the Notice of Default of 2 August 2018 under TBMP 312.02 for the reason set out below.

Defendant has only recently learned that a Notice of Default issued in this cancellation proceeding on 2 August 2018.

Neither Defendant nor Defendant's undersigned attorney ever received the Notice of Default. Further, neither the Defendant nor the Defendant's undersigned attorney ever received the Notice of Institution of this proceeding, which was dated 13 June 2018.

The undersigned attorney's physical address is correctly stated on the Notice of Institution. This Notice was not received, either via physical mail nor electronically.

Defendant avers that the delay in filing an answer to the complaint was not the result of willful conduct or gross neglect on the part of the Defendant; that the Plaintiff will not be substantially prejudicial by the delay; and Defendant has a meritorious defense to the action, as will be evident from the answer to be filed after the trial dates are reset by the Board.

The Maxham Firm
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Respectfully submitted,

SOUTH BAY COMMUNITY SERVICES

A handwritten signature in blue ink, appearing to read "L. Maxham/LA", written over the printed name of Lawrence A. Maxham.

By: Lawrence A. Maxham
Attorney for Opposer
Registration No. 24,483