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Filing date: **08/06/2020**

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

Proceeding	92072817
Party	Defendant Southland Tile Tools & Accessories, Inc. DBA Troxell USA
Correspondence Address	DANA STEWART-MEKDARA GLOBAL TRADEMARKS, INC. 505 S. VILLA REAL DRIVE, SUITE 102 ANAHEIM HILLS, CA 92807 UNITED STATES Primary Email: dstewart@gtilaw.com Secondary Email(s): globalmarks@gtilaw.com, international@gtilaw.com 714-279-9185
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Signature	/Dana Stewart-Mekdara/
Date	08/06/2020
Attachments	OppMtnDefaultSoft.pdf(165410 bytes )

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

Working Concepts, Inc.	)	
	)	Cancellation No. 92072817
Petitioner,	)	
	)	Mark: SUPER-SOFT KNEE PADS
v.	)	
	)	Registration No. 4,499,800
Southland Tile Tools &	)	
Accessories, Inc. DBA	)	Registration Date: March 18, 2014
Troxell USA	)	
	)	
Registrant	)	
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**REGISTRANT’S OPPOSITION TO PETITIONER’S MOTION FOR DEFAULT**

Registrant Southland Tile Tools & Accessories, Inc. DBA Troxell USA, (“Registrant”) hereby opposes the Motion for Default filed by Working Concepts, Inc. (“Petitioner”). As Registrant has timely filed an Answer to Petition for Cancellation, the Motion for Default should be denied.

**I. Introduction**

In response to Petitioner’s Petition for Cancellation, Registrant filed its Answer to the Petition for Cancellation and Affirmative Defenses on January 30, 2020. Subsequently, Registrant filed a Motion to Dismiss on February 27, 2020, which was denied on March 11, 2020. The Board did not reset the discovery deadlines in their dismissal. Petitioner states that it has served its initial disclosures on March 31, 2020, however, Registrant has not received the initial disclosures. Registrant has now engaged new counsel who has just received the file this week from former counsel.

## **II. Registrant has Timely Filed its Answer to the Petition for Cancellation**

Petitioner has requested that the Board issue a Notice of Default pursuant to 37 CFR 2.106(a) on the basis that an Answer was not timely filed by the Registrant. However, as the record reflects, Registrant did in fact timely file an Answer to Petition for Cancellation and Affirmative Defenses on January 30, 2020.<sup>1</sup> Consequently, the Petitioner's Motion for Default should be denied.

## **III. Registrant Requests that the Board Reset Discovery Deadlines**

In light of the Board not having reset the discovery deadlines subsequent to the Fed. R. Civ. P. 12 motion, and the recent appointment of new counsel for Registrant, the Registrant has no objection to the Petitioner's request that the Board reset the deadlines for the discovery conference as well as all subsequent dates, including initial disclosures and discovery.

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<sup>1</sup> See Registrant's Answer to Petition for Cancellation and Affirmative Defenses ("Answer"), Docket No. 6 (January 30, 2020).

#### **IV. Conclusion**

For the foregoing reasons, Petitioner's Motion for Default should be denied, and the discovery deadlines reset.

Date: August 6, 2020

Respectfully submitted,

/Dana Stewart-Mekdara/  
Dana Stewart-Mekdara  
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Attorney for Registrant

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Registrant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing REGISTRANT'S OPPOSITION TO PETITIONER'S MOTION FOR DEFAULT was served on counsel of record for Petitioner via the email address of [kar.docket@chernofflaw.com](mailto:kar.docket@chernofflaw.com).

Date: August 6, 2020

/Dana Stewart-Mekdara/  
Dana Stewart-Mekdara