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308/00266

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

CAREFIRST OF MARYLAND, INC.
d/b/a
CAREFIRST BLUE CROSS
BLUE SHIELD

OPPOSER,

v.

CARE ONE MEDICAL CLINIC, P.C.
APPLICANT.



03-04-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #34

Opposition No.: 150,393

(Serial No. 78/035,171)

MOTION FOR ENTRY OF DEFAULT JUDGMENT FOR FAILURE TO ANSWER

In the matter of the notice of opposition to Serial No. 78/035,171 for the mark "CARE ONE", Carefirst of Maryland, Inc. d/b/a Carefirst Blue Cross Blue Shield (hereinafter "Opposer"), by and through its undersigned counsel, files this Motion for Entry of Default Judgment for failure of Applicant to answer the Notice of Opposition filed December 5, 2001.

In accordance with TBMP §508, the plaintiff in a inter partes proceeding may file a motion for a default judgment where the plaintiff realizes that the defendant is in default, in which case the motion may serve as a substitute for the Board's issuance of a notice of default. Where the defendant fails to file a brief in opposition to plaintiff's motion, default judgment may be entered against defendant. See FRCP 55(b) and 55(c), and 37 CFR §2.127(a).

Based upon the facts stated below, Opposer requests that default judgment be entered against Applicant.

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Opposer's Notice of Opposition was filed December 5, 2001. The Trademark Trial and Appeal Board issued a scheduling order advising the Applicant that it had forty days or until February 22, 2002 to file an Answer to this proceeding. Instead of filing an Answer, the Applicant sent a letter to the Trademark Trial and Appeal Board withdrawing the above application. See enclosure. At this point, the time for Applicant to file an answer has run.

WHEREFORE, Applicant respectfully prays that, for the foregoing reasons, good grounds exist for granting this motion, and such action is requested.

Respectfully submitted,

CAREFIRST OF MARYLAND, INC.



March 4, 2002

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CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing Motion for Entry of Default Judgment for Failure to Answer is being forwarded this March 4, 2002 by first class mail, postage prepaid and addressed to:

CARE ONE MEDICAL CLINIC, P.C.
470 Jake Alexander Blvd. W
Salisbury, North Carolina 28147-1365



Ruth Mae Finch