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

Proceeding	91161002
Party	Plaintiff Microsoft Corporation ,
Correspondence Address	William O. Ferron, Jr. SEED Intellectual Property Law Group 701 Fifth Avenue, Suite 6300 Seattle, WA 98104-7092 billf@seedlaw.com
Submission	Motion for Default Judgment
Filer's Name	William O. Ferron, Jr.
Filer's e-mail	billf@seedip.com, litcal@seedip.com
Signature	/WOF/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,)	
)	OPPOSITION NO. 91/161,002
Opposer,)	
)	Serial No. 76/310,036
v.)	
)	
SOFTCAMP CO. LTD.,)	
)	Docket No. 663005.80455
Applicant.)	
_____)	

**OPPOSER MICROSOFT CORPORATION'S MOTION FOR ENTRY
OF JUDGMENT AGAINST APPLICANT FOR FAILURE TO
ANSWER**

Pursuant to 37 C.F.R. § 2.106(a), Opposer Microsoft Corporation ("Opposer") moves the Board for entry of judgment against Applicant Softcamp Co. LTD. for its failure to file an Answer to the Notice of Opposition.

This motion is supported by the Declaration of William O. Ferron, Jr. filed herewith. A motion for suspension of proceedings is being filed concurrently herewith.

I. FACTUAL BACKGROUND

Opposer timely filed its Notice of Opposition to Application 76/310,036 for the mark UNIWORK, and on June 23, 2004 the Board issued a Scheduling Order giving the

Applicant until August 2, 2004 to file an Answer to the Notice of Opposition. (Ferron Decl., ¶ 2).

On July 6, 2004, Applicant's counsel of record Douglas Chaikin of the Peninsula IP Group, filed a "Notice of Non-Counsel of Record," which the Board subsequently found to be improper. *See* Order of Sept. 27, 2004 at ¶ 1. At no point did Mr. Chaikin, or any other representative of the Applicant contact counsel for Opposer Microsoft to request an extension of time in which to file an Answer. (Ferron Decl., ¶ 3).

On September 27, 2004, the Board issued an Order detailing the deficiencies in the "Notice of Non-Counsel of Record," giving Applicant's counsel thirty (30) days to submit a proper request to withdraw, and suspending the Opposition. The Order further indicated that "appropriate dates will be rescheduled in due course" *See* Order of Sept. 27, 2004 at ¶ 4.

On October 8, 2004, Douglas Chaikin of the Peninsula IP Group submitted a "Notice of Withdrawal of Attorney for Applicant," which the Board again found deficient in an Order dated January 13, 2005. Proceedings remained suspended, and the Board gave Mr. Chaikin an additional thirty (30) days to submit a Motion to Withdraw which complied with Trademark Rule 2.19(b) (Ferron Decl., ¶ 5).

On April 25, 2005, having received no corrected Motion to Withdraw or appearance of new counsel on behalf of Applicant, the Board resumed proceedings, and reset the trial schedule, beginning with the close of discovery on July 24, 2005 (Ferron Decl., ¶ 6).

No Answer has been filed and Applicant has not contacted Opposer directly or through any counsel or agent to seek an extension of time to Answer. (Ferron Decl., ¶ 7)

II. DEFAULT JUDGMENT IS PROPER HERE WHERE APPLICANT HAS FAILED TO ANSWER THE NOTICE OF OPPOSITION

"If no answer is filed with the time set, the opposition may be decided as in the case of default" 37 C.F.R. § 2.106(a).

In this case, Applicant's Answer was due on August 2, 2004, and this matter was not suspended until September 27, 2004, over a month after the due date set for the Answer. Neither Applicant nor any representative of Applicant has made any effort to contact Opposer to request a stipulated extension of the time to answer, nor has any motion been made to extend time to answer. Applicant's Answer is now almost nine months overdue.

Accordingly, for the reasons set forth above, Opposer requests the Board to enter judgment by default against Applicant.

DATED this 3rd day of May, 2005.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



William O. Ferron, Jr.
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104
(206) 622-4900

Attorneys for Opposer
MICROSOFT CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on this 3RD day of May, 2005 the foregoing **OPPOSER MICROSOFT CORPORATION'S MOTION FOR ENTRY OF JUDGMENT AGAINST APPLICANT FOR FAILURE TO ANSWER** was served upon Applicant's Domestic Representative by depositing same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Douglas A. Chaikin
Peninsula IP Group
2290 N. 1st St., Suite 101
San Jose, CA 95131

And upon Applicant at its corporate offices in the Republic of Korea via courier, addressed as follows:

Hwa-Ja Park, President
Softcamp Co. Ltd.
9th Floor, Kusan Tower
3250 Pangbae-2Dong
Seocho-gu
Seoul, Republic of Korea


Ross Merritt