

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

In the matter of trademark application Serial No. 78/255,115
For the mark I ♥ DICK
Published in the Official Gazette on July 27, 2004

NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT

Opposer

v.

Opposition No. 91162371

DETROIT INDUSTRIAL CLOTHING KARTEL, L.L.C.

Applicant

OPPOSER'S MOTION FOR DEFAULT JUDGMENT

Come now Opposer, the New York State Department of Economic Development, by counsel, and files this Motion for Default Judgment under 37 C.F.R. § 2.106(a) against Applicant, Detroit Industrial Clothing Kartel, L.L.C., for failure to timely file an Answer to Opposer's Notice of Opposition.

Having been served Opposer's Notice of Opposition, and having failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and the Trademark Trial and Appeal Board Manual of Examining Procedure, the Applicant so-named should be held in default. FED. R. CIV. P. 55(a); 37 C.F.R. § 2.106(a).

Opposer requests that judgment by default be entered by this Trademark Trial and Appeal Board against Applicant in this Opposition proceeding, and that the trademark application with serial number 78/255,115 be hereby dismissed.

Respectfully submitted,



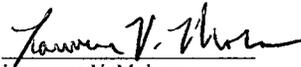
Lawrence V. Molnar
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Attorney for Opposer
Opposition No. 91162371

Dated: Indianapolis, IN
December 7, 2004

Certificate of Express Mail Under 37 CFR 1.10

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Date of Deposit: December 7, 2004

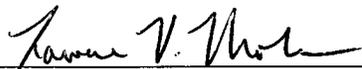
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.



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CERTIFICATE OF SERVICE

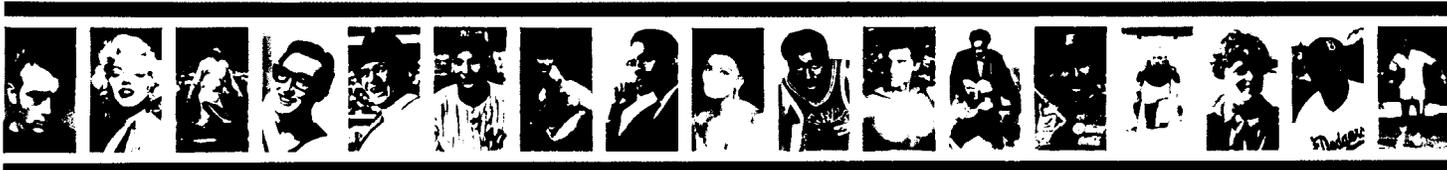
I hereby certify that a copy of the above and foregoing has been served upon the following parties in this matter, by U.S. First Class mail, postage prepaid, this 7th day of December, 2004.



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Opposition No. 91162371

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CMG WORLDWIDE
Representing the World's Greatest Legends

Lawrence V. Molnar
Legal Counsel

December 7, 2004

Box TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**RE: Opposer's Motion for Default Judgment pursuant to Opposition No. 91162371
against application no. 78/255,115 for an "I ♥ DICK" mark in International Class 25**

Dear Sir/Madam:

Pursuant to Opposition No. 91162371, please find enclosed Opposer's Motion for Default Judgment against Applicant of trademark application no. 78/255,115 for an "I ♥ DICK" mark in International Class 25.

Enclosed please also find a postcard to be returned to CMG upon your receipt of this Motion.

If you have any questions, please do not hesitate to contact me at (317) 570-5040.

Sincerely,

Lawrence V. Molnar, Esq.
Attorney for Opposer

Enclosures

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