

ESTTA Tracking number: **ESTTA52327**

Filing date: **11/08/2005**

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

Proceeding	91162831
Party	Defendant TORGOVY DOM "AROMA" TORGOVY DOM "AROMA" 5 Beregovoy Proezd RUX Moscow, NY 121087
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Submission	Motion for Default Judgment
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Signature	/Marina E. Volin/
Date	11/08/2005
Attachments	B1200 40001 Motion SFXB5.pdf (3 pages)

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

D & M NEW WORLD MANAGEMENT, INC., :
: **Opposition No. 91162831**
: **Opposer,** :
: :
v. :
: **Opposition No. 91162831**
: :
: :
TORGOVY DOM "AROMA" :
TA TRADE HOUSE "AROMA", :
: :
: :
Applicant. :

MOTION PURSUANT TO TRADEMARK RULE 2.132(a)
FOR JUDGMENT FOR OPPOSER'S FAILURE TO PROVE THE CASE

Applicant, TORGOVY DOM "AROMA", through its undersigned counsel, respectfully moves the honorable Trademark Trial and Appeal Board (TTAB) to grant a judgment for failure of Opposer to prosecute.

This Motion should be granted because Opposer has failed to take testimony or produce any other evidence to Opposition No. 91162831 within the Opposer's testimony period ending on October 26, 2005. The testimony period was reset by the TTAB upon the Opposer's motion to extend discovery filed on July 28, 2005.

This motion is timely because it is being filed before the opening of the Opposer's testimony period.

Opposer's failure to take testimony or produce any other evidence within the time allowed under trademark Rule 2.132(a) is sufficient justification for sanctioning Opposer with judgment for failure to prosecute in favor of Applicant.

In light of the foregoing, it is respectfully submitted that Opposer has forfeited its rights in this opposition proceeding and judgment for failure to prosecute is warranted.

Respectfully submitted,

**CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.**

November 8, 2005

By *Marina E. Volin*
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CERTIFICATE OF SERVICE

I hereby certify that one (1) true and correct copy of the foregoing **MOTION PURSUANT TO TRADEMARK RULE 2.132(a) FOR JUDGMENT FOR OPPOSER'S FAILURE TO PROVE THE CASE** re Opposition No. 91162831 has been electronically filed with the United States Patent and Trademark Office Trademark Trial and Appeal Board via the Electronic System for Trademark Trial and Appeal Board (ESTTA), on this 8th day of November, 2005.



Marina E. Volin

CERTIFICATE OF MAILING

I hereby certify that the foregoing **MOTION PURSUANT TO TRADEMARK RULE 2.132(a) FOR JUDGMENT FOR OPPOSER'S FAILURE TO PROVE THE CASE** re Opposition No. 91162831 has been served upon the Opposer by mailing the same via First Class Mail, postage prepaid, in an envelope addressed to Gail E. Nickols, Esq., Graham, Campaign, P.C., The Bar Building, 36 West 44th Street, New York, NY 10036-8178, on this 8th day of November, 2005.



Marina E. Volin