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

Proceeding	91183424
Party	Plaintiff LITEF GmbH
Correspondence Address	Gary J. Pitzer Tarolli, Sundheim, Covell & Tummino LLP 1300 East Ninth Street, Suite 1700 Cleveland, OH 44114 UNITED STATES
Submission	Motion for Default Judgment
Filer's Name	GARY J. PITZER
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Signature	/Gary J Pitzer/
Date	05/30/2008
Attachments	DEFAULTJUDGEMENT.pdf (3 pages)(470716 bytes)

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

In the Matter of Application Serial No.	**78/640,235**
Published in the Official Gazette on	**November 27, 2007**
For the Mark:	**LITES**

LITEF GmbH	)	
	)	
Opposer,	)	OPPOSITION NO. 91183424
	)	
v.	)	
	)	
Optical Air Data Systems LLC	)	
	)	
Applicant.	)	

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER AND SUPPORTING BRIEF

Opposer, LITEF GmbH, through its undersigned attorney, hereby moves the Trademark Trial and Appeal Board pursuant to Fed. R. Civ. P. 55(b) and 55(c) to enter default judgment against the Applicant for failure to file a timely answer in the above-captioned opposition proceeding.

An Answer was due in this case on May 18, 2008. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, default judgment should be entered against the Applicant. See 37 CFR §§ 2.106(a) and 2.114(a); See also Fed. R. Civ. P. 55(b) and 55(c), 37 CFR § 2.127(a) and TBMP § 508. See also, for example, *DeLorme Publishing Co., Inc. v. Eartha's, Inc.*, 60 U.S.P.Q.2d 1222, 1223-24 (TTAB 2000).

WHEREFORE, Opposer, through its undersigned attorney, respectfully requests that Opposer's motion for Default Judgment for Failure to Answer be granted and that judgment be entered against the Applicant and that registration of the mark LITES, as identified in application U.S. Trademark Application No. 78/640,235, be refused, and that the Trademark Trial and Appeal Board grant such other and further relief as it deems just and appropriate.

Respectfully submitted,

TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP

By _____ Date: May 30, 2008

Gary J. Pitzer
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Attorneys for Opposer

CERTIFICATE OF TRANSMITTAL

I hereby certify that this NOTICE OF OPPOSITION was electronically transmitted to the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office through the Electronic System Trademark Trial and Appeals (ESTTA) this 30th day of May 2008.

Lisa D. Jones

Lisa D. Jones

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION served via United States first class mail, postage prepaid, to the attorney for the Applicant this 30th day of May 2008, addressed to:

Conrad J. Clark, Esq.
Clark & Brody
190 Vermont Avenue NW – Suite 250
Washington, D.C. 20005-4900

Lisa D. Jones

Lisa D. Jones