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Filing date: **05/27/2008**

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

Proceeding	91183449
Party	Plaintiff SEOMoz, Inc.
Correspondence Address	Sarah L. Bird General Counsel for SEOMoz, Inc. 4314 Roosevelt Way NE Seattle, WA 98105 UNITED STATES sarah@seomoz.org
Submission	Motion for Default Judgment
Filer's Name	Sarah L. Bird
Filer's e-mail	Sarah@seomoz.org
Signature	/Sarah L. Bird/
Date	05/27/2008
Attachments	Motion for Default Judgment.pdf ( 6 pages )(958824 bytes )

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

In re the Matter of:

**SERIAL NO. 77171330  
FOR THE MARK "SEO"  
PUBLISHED 3/25/2008**

SEOMOZ, INC., a Delaware Corporation

Opposer,

vs.

JASON GAMBERT,

Applicant.

OPPOSITION NO: **91183449**

**MOTION AND DECLARATION FOR  
DEFAULT JUDGMENT**

**I. MOTION**

SEOmoz, Inc., by and through its attorney of record, hereby motions the Board for entry of Default Judgment against the Applicant, Jason Gambert. This motion is made pursuant to 37 CFR § 2.114(a) and Fed. R. Civ. P. 55, and Trademark Rule 3.12.

Opposer filed a Notice of Opposition on April 9, 2008. The deadline for Applicant to file Answer was May 19, 2008.

On May 20, 2008, the United States Postal Office returned the copy of the Notice of Opposition mailed to the Applicant by the Opposer. The document was returned "unclaimed." A photocopy of the returned envelope's face is attached as Exhibit A. Pursuant to 37 CFR § 2.105 and Trademark Rule 113, the Opposer is not required to serve the Notice of Opposition and the Board's notification is sufficient for service.

MOTION FOR DEFAULT JUDGMENT

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05 21 2008

SARAH L. BIRD  
General Counsel for SEOmoz, Inc.  
4314 Roosevelt Way NE  
Seattle, WA 98105  
(206) 632-3171 • Fax (206) 338-3797

1 Applicant has failed to file an Answer and is in default. Opposer is entitled to  
2 Default Judgment. The Opposer respectfully requests the Board to issue default  
3 judgment sustaining the opposition and declaring that the application is denied.  
4

5 **II. DECLARATION**

6 I, Sarah L. Bird, declare under penalty of perjury that I am over eighteen years of  
7 age and the following is true and correct:

8 SEOmoz filed a Notice of Opposition with the Board on April 9, 2009. That same  
9 day, I deposited a true and correct copy of the Notice of Opposition in the U.S. Postal  
10 Service to the address listed for the Applicant: Apt 1627 10001 Woodcreek Oaks Blvd,  
11 Roseville, CA 95747-5113. On May 20, 2008 the document was returned unclaimed. A  
12 true and correct copy of the returned envelope is attached as Exhibit A.  
13

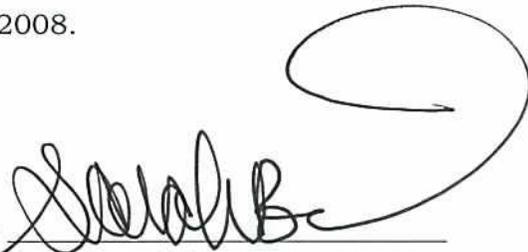
14 The Applicant should have filed a response or request for more time by May 19,  
15 2008. SEOmoz has not received an Answer nor has an Answer been filed. Applicant  
16 has not requested a time extension.  
17

18 SEOmoz is seeking the relief requested in its Notice of Opposition. Namely, a  
19 judgment declaring that the Application with the serial number 77171330 is denied.  
20

21 **III. PROPOSED ORDER**

22 A proposed order is attached as Exhibit B.

23 Respectfully submitted this May 22, 2008.  
24

25  
26  
27 BY: 

Sarah L. Bird, WSBA #36883  
Attorney for Opposer SEOmoz, Inc.  
4314 Roosevelt Way, NE  
Seattle, WA 98105  
206-632-3171

# EXHIBIT A

CERTIFIED MAIL™

Fl To Open

**Flat Rate E**  
Flat Rate postage reg

**Print Postage**



PLEASE PRESS FIRMLY  
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material enclosed. Domestic use only.  
**Postageonline**

PLEASE

DOMESTIC USE ONLY.

U.S. POSTAGE  
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UNITED STATES POSTAL SERVICE®

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US POSTAGE

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**USPS PRIORITY MAIL®**

SARAH BIRD  
SEOMOZ  
4314 ROOSEVELT WAY NE  
SEATTLE WA 98105-4718

SHIP TO:  
JASON GAMBERT  
APT. 1627  
10001 WOODCREEK OAKS BLVD

95747362101C07 C0 04/14/08  
NOTIFY SENDER OF NEW ADDRESS  
GAMBERT, JASON  
420 WINESAP DR  
BRENTWOOD CA 94513-2667



420 95747 9101 0385 5574 9379 7535 66

Electronic Rate Approved #038555749

**TRY FREE CARRIER PICK-UP**  
usps.com/pickup

RETURNED TO SENDER

Hold do not return  
Also  
From: ~~X~~  
cust not return  
forward for ward  
from Winsap  
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HOW TO USE:



1. COMPLETE ADDRESS AREA  
Type or print return address and addressee information



2. PAYMENT METHOD  
Affix postage or meter strip to area indicated in upper right hand corner.

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fill package to fit to your letter carrier  
911 for pick up service.

**We Deliver.**

usps.com

# **EXHIBIT B**

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PUBLISHED 3/25/2008**

**OPPOSITION NO: 91183449**

**[Proposed]  
DEFAULT JUDGMENT**

SEOMOZ, INC., a Delaware Corporation

Opposer,

vs.

JASON GAMBERT,

Applicant.

THIS MATTER, having been brought upon Opposer's motion for entry of default judgment against Applicant, Jason Gambert, and the Board having reviewed the Opposer's Declaration and the records files contained herein, and the Board being fully advised, it is hereby

ORDERED, JUDGED AND DECREED, that the Plaintiff/Applicant is in default for failure to Answer or file a request for extension. Further, registration of the term "SEO" in application 77171330 to describe "Marketing services in the field of computers in the nature of providing marketing servcies [sic] for the benefit of others by compiling advertising campaigns, promotional services, and consulting for its customers" is denied. The Opposition is sustained.

DONE this \_\_\_\_ day of May, 2008.

BY: \_\_\_\_\_  
Judge

BY: \_\_\_\_\_  
Judge

BY: \_\_\_\_\_  
Judge

Trademark Trial and Appeal Board Panel Judges

DEFAULT JUDGMENT

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