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Filing date: **12/03/2008**

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

Proceeding	91186892
Party	Plaintiff Continental Aktiengesellschaft
Correspondence Address	Rex A. Donnelly RatnerPrestia P.O. Box 15961007 Orange St., Suite 1100 Wilmington, DE 19899 UNITED STATES tmde@ratnerprestia.com, radonnelly@ratnerprestia.com, jwmcglynn@ratnerprestia.com
Submission	Motion for Default Judgment
Filer's Name	John W. McGlynn
Filer's e-mail	tmde@ratnerprestia.com
Signature	/jwm/
Date	12/03/2008
Attachments	Motion for Deflt Judgmt 91186892.pdf ( 3 pages )(65599 bytes )

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

In the Matter of Application Serial No. 78/781,912

Mark:



Filed: December 28, 2005

Published in the *Official Gazette*: June 10, 2008

Continental Aktiengesellschaft

Opposer,

v.

Ariete Production

Applicant.

**Opposition No. 91186892**

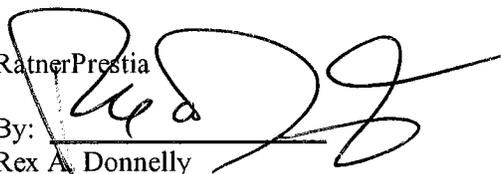
**MOTION FOR DEFAULT JUDGMENT BASED ON FAILURE TO ANSWER**

Opposer, Continental Aktiengesellschaft, hereby moves pursuant to TBMP §508 and 37 C.F.R. § 2.106(a) for Default Judgment based on Applicant's failure to answer. An Answer to the Notice of Opposition was due on November 18, 2008 and to date no Answer has been filed or served on Opposer.

WHEREFORE, Opposer requests that the Board enter a Default Judgment in favor of Opposer, that registration of U.S. Application Serial No. 78/781,912 for CONTI MOTORS & Design be refused and that this Opposition be sustained in favor of Opposer.

The Commissioner is hereby authorized at any time to charge any fees required, or credit any overpayment, to Deposit Account No. 18-0350.

Respectfully submitted,

RatnerPrestia  
By:   
Rex A. Donnelly  
John W. McGlynn

RatnerPrestia  
1007 Orange St., Suite 1100  
P.O. Box 1596  
Wilmington, DE 19899  
Phone: 302-778-2500

Attorneys for Opposer

Dated: December 3, 2008

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the document identified below was served on December 3, 2008 by overnight courier on the following counsel of record:

Title of Document: MOTION FOR DEFAULT JUDGMENT BASED ON FAILURE TO ANSWER

Names of Parties Served: John S. Egbert  
Egbert Law Offices  
412 Main St. Fl. 7  
Houston, TX 77002-1838

