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

Proceeding	91188388
Party	Plaintiff Energy Brands Inc. d/b/a Glaceau
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Submission	Motion for Default Judgment
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Date	02/25/2009
Attachments	SMART [drinks] Motion for Default Judgment.pdf (3 pages)(10088 bytes)

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

In the Matter of Trademark Application Serial No. 79/046,243
Filed: September 28, 2007
Mark: SMART [drinks]
Published: July 15, 2008

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ENERGY BRANDS INC. D/B/A GLACÉAU, :
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 Opposer, :
 :
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 v. :
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 :
 JAMNICA D.D., :
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 :
 Applicant. :
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Opposition No. 91188388

Commissioner for Trademarks
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION FOR DEFAULT JUDGMENT

On January 12, 2009, Opposer Energy Brands Inc. d/b/a Glacéau (“Energy Brands”) filed a Notice of Opposition against Application Serial No. 79/046,243 for the mark SMART [drinks] filed by Applicant Jamnica d.d. (“Applicant”). Applicant’s answer to the Notice of Opposition was due February 23, 2009. No answer was filed by that date.

Accordingly, Energy Brands respectfully moves for a default judgment against Applicant sustaining the Opposition and denying registration of the SMART [drinks] mark for the goods identified in Application Serial No. 79/046,243.

Dated: February 25, 2009
New York, New York

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

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CERTIFICATE OF SERVICE

This is to certify that on February 25, 2009, I caused a copy of the foregoing
MOTION FOR DEFAULT JUDGMENT to be served by first class mail upon:

Allyn Taylor, Esq.
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2000 University Avenue
East Palo Alto, CA 94303

/S. Zev Parnass/
S. Zev Parnass