

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

Keith Clark, Opposer)	Opposition No. 91189678
)	
vs.)	Application Serial No. 77179925
)	
Waterford Wedgwood, PLC, Original Applicant)	Mark: <i>The Waterford Crystal Pavilion</i>
)	Published in the Official Gazette on March 10, 2009

MOTION FOR DEFAULT

Opposer, Keith Clark (“Clark”), pursuant to Fed. R. Civ. P. 17(a), herewith files this Motion for Default against WWRD Ireland IPCO LLC (“WWRD”) for not filing any Answer to the Notice of Opposition. In support of this Motion, the following is respectfully submitted:

Per the TTAB’s Discovery Scheduling Order dated April 10, 2009 and sent specifically to counsel for WWRD, as well as Opposer’s counsel, an Answer was due to Opposer’s Notice of Opposition on or before May 20, 2009. No Answer by WWRD has to date been filed. Therefore, WWRD is in default and Clark’s Opposition should be granted. As pointed out in the simultaneously filed Motion to Dismiss for Lack of Standing, the purported “Answer” to Clark’s Opposition was filed as captioned in the name of “WWRD Ireland IPCO LLC” This party has no standing in this proceeding; rather, only the original applicant, Waterford Wedgwood, PLC, has or had standing. (Clark’s Notice of Opposition was served by undersigned counsel on Applicant’s counsel, Buchanon Ingersoll.)

The USPTO issued a procedural letter as to how this Opposition proceeding would be conducted on April 10, 2009. The USPTO's letter is captioned as "KEITH CLARK V. WWRD IRELAND IPCO LLC.." It was directed not only to counsel for Clark, but to Hayley M. Smith, Kirkland & Ellis, LLP, who presumably is counsel for WWRD, the entity named in the caption by Defendant WW's counsel filing its Answer. The USPTO web site also lists the Defendant in this Opposition proceeding as "WWRD Ireland IPCO LLC." The "Answer" filed May 20, 2009 contained this same above-named entity in the caption (which at best is a third party and not a party to this Opposition proceeding).

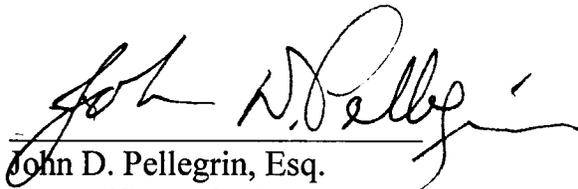
The Answer commences with "Applicant Waterford Wedgwood, PLC ("Applicant") . . ." and is filed by original counsel for the Applicant of record – WW, with the firm of Buchanan Ingersoll. This is at best most confusing. Again the Defendant (WWRD) is not the Applicant and neither Defendant WWRD nor the purported Applicant, WW, make any representations as to any affiliation/successor in interest as between the two of these separate entities. Hence neither has standing to participate in this Opposition proceeding. Further, WWRD has chosen not to file an Answer, hence it should be summarily dismissed from this proceeding and Clark's Opposition granted.

Additional procedural matter. The TTAB issued a Discovery Schedule under date of April 10, 2009. A scheduling conference is due to be held between the parties' counsel by June 19, 2009. However, with the pendency of this Motion for Default and the companion Motion to Dismiss for Lack of

Standing, and Opposer not knowing which if either party (WWRD and/or WW) is purportedly prosecuting the pending application and which is the Defendant, discovery cannot realistically proceed.

WHEREFORE, Opposer respectfully requests that this registration application be dismissed on the grounds that there has been a default by WWRD Ireland IPCO LLC not timely filing an Answer to Opposer's Notice of Opposition. Grant of this Motion will expedite resolution of this matter and conserve the USPTO's as well as the Opposer's and others resources.

Respectfully submitted,



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Counsel for Keith Clark

Dated: June 5, 2009

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Keith Clark, Opposer)	Opposition No. 91189678
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Waterford Wedgwood, PLC, Applicant)	Mark: <i>The Waterford Crystal Pavilion</i>
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MEMORANDUM IN SUPPORT OF MOTION FOR DEFAULT

In Support of Opposer's Motion to Dismiss for Default, Opposer respectfully submits the following:

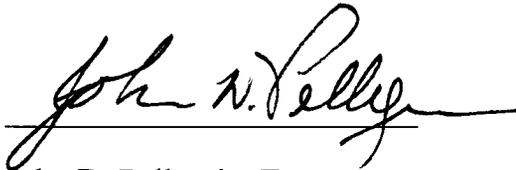
The Motion this Memorandum accompanies is filed on the grounds that the Applicant in the caption of this proceeding – WWRD Ireland IPCO LLC (“WWRD”) – did not file an Answer to the Notice of Opposition, as directed by the TTAB in its Scheduling Order dated April 10, 2009. It thus is in clear violation of Trademark Rule 1.7.

As noted in the companion Motion to Strike & Dismiss, WWRD is not a party with standing in this Opposition proceeding. Nor can it prosecute the above-captioned trademark registration application for two basic reasons: 1. Applicant Waterford Wedgwood PLC has sought bankruptcy protection and to the best of Opposer's information, knowledge and belief, has been adjudicated bankrupt; and

2. the referenced/captioned party in the purported Answer of "Applicant" (WWRD), is not the Applicant – rather, it is a third party with no known/revealed affiliation to the purported Applicant.

Here, the TTAB and USPTO should grant this Motion for Default and dismiss the application for registration of the above-captioned mark in the International Class 43, as requested by Opposer, Clark, for failure to file a timely Answer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John D. Pellegrin", written over a horizontal line.

John D. Pellegrin, Esq.

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Counsel for Keith Clark

Dated: June 5, 2009

CERTIFICATE OF SERVICE

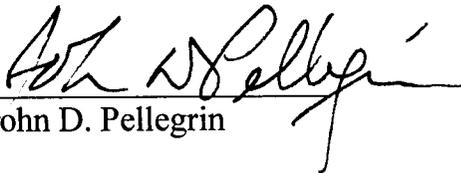
I, John D. Pellegrin, Esq., hereby certify that a true and complete copy of this Motion for Default and Memorandum in Support of Motion for Default were mailed, First Class U.S. Mail, postage prepaid, to the following on this 5th day of June, 2009:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level
Room C55
600 Delany Street
Alexandria, VA 22314
Attention: Lalita R. Greer, Paralegal Specialist

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