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

Proceeding	91194801
Party	Plaintiff Paramount Farms, Inc. dba Everybody's Nuts
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Date	03/24/2011
Attachments	91194801 Everybodys Nuts.pdf (4 pages)(72138 bytes)

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

Paramount Farms, Inc. dba Everybody's Nuts Corporation)	
)	
)	Opposition No.: 91194801
)	
Opposer,)	
)	MOTION FOR SUBSTITUTION OF
v.)	PARTY DUE TO ASSIGNMENT OF
)	MARKS; AND MOTION FOR DEFAULT
TCAAG Corp.,)	JUDGMENT FOR FAILURE TO
)	ANSWER
Applicant.)	
)	
)	Mark: ITS NUTS & Design
)	Application Ser. No.: 77/731,132
)	

MOTION FOR SUBSTITUTION OF PARTY
DUE TO ASSIGNMENT OF MARKS

Paramount Farms, Inc. dba Everybody's Nuts Corporation hereby moves the Trademark Trial and Appeal Board (the "Board") for the substitution of Paramount Farms International LLC, located at 11444 W. Olympic Blvd., 10th Floor in Los Angeles, California 90064 for Paramount Farms, Inc. dba Everybody's Nuts Corporation as the Opposer in the instant Opposition proceeding (the "Opposition").

On December 21, 2010, Paramount Farms, Inc. dba Everybody's Nuts Corporation assigned its rights to the three marks asserted in this Opposition to New PFI LLC and, on the same day, New PFI LLC assigned its rights to the same three marks to Paramount Farms International LLC.

Each of the Assignments were received and recorded by the U.S. Patent and Trademark

Office on January 13, 2011 as follows:

Mark	Registration Number	Assignment to New PFI LLC Reel/Frame	Assignment to Paramount Farms International LLC Reel/Frame
EVERYBODY'S NUTS	3,336,362	4452/0851	4452/0946
EVERYBODY'S NUTS! CALIFORNIA PISTACHIOS & Design 	3,386,421	4452/0851	4452/0946
	3,442,723	4452/0851	4452/0949

The final assignee, Paramount Farms International LLC, is now the proper Opposer in this Opposition as the owner of the asserted marks. The prior owner, Paramount Farms, Inc. dba Everybody's Nuts Corporation is not longer in existence.

Paramount Farms International LLC will be represented in this proceeding by Craig B Cooper, Esq. and Danielle M. Criona, Esq. at Roll Law Group P.C., 11444 West Olympic Blvd., 10th Floor, Los Angeles, California 90064.

MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER

Paramount Farms International LLC ("Paramount Farms" or "Opposer"), pursuant to 37 CFR § 2.114(a) and Fed. R. Civ. P. 55(b), hereby requests the entry of Default Judgment against TCAAG Corp. ("Applicant") for failure to Answer.

Opposer filed a Notice of Opposition to the IT'S NUTS & Design mark, Serial Number 77/731,132, and served Applicant via U.S. Mail, on May 7, 2010 (the "Opposition"). [TTAB Docket No. 1.]

For months following the filing of the Opposition, Applicant and Opposer were attempting to resolve their issues. In light of the productive discussions, on June 25, 2010, the parties filed a consent motion to suspend the proceedings to allow for settlement to proceed.

However, since that time, settlement discussions slowed down and have now ceased, as Opposer has not received any return correspondence from Applicant since August 2010, despite Opposer's attempts. The proceedings have now come out of suspension and Applicant has failed to file an Answer, leading Opposer to believe Applicant is no longer interested in the ITS NUTS & Design mark.

Pursuant to 37 CFR § 2.114(a) and Fed. R. Civ. P. 55(b), since Applicant has not filed an Answer to the Notice of Opposition, Applicant has not requested or been granted any further extensions, and no good cause for not answering exists, Applicant is in default.

WHEREFORE, since Applicant is in default and has failed to show good cause why Default Judgment should not be entered against it, Opposer respectfully requests the entry of Default Judgment against, this Notice of Opposition be granted and that Application No. 77/773,132 be denied registration.

Respectfully Submitted,

Date: March 24, 2011

Paramount Farms International LLC

By: /s/ Danielle M Criona /s/

Craig B Cooper, Esq.

Danielle M Criona, Esq.

Roll Law Group P.C.

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CERTIFICATE OF SERVICE

I, Mark Rivera, hereby certify that a copy of this **MOTION FOR SUBSTITUTION OF PARTY DUE TO ASSIGNMENT OF MARKS; AND MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER** has been served, upon attorneys for Applicant:

Ms. Heidi Howard Tandy
1111 Lincoln Rd., Ste. 400
Miami Beach, FL 33139-2439

by first class mail, postage prepaid, on this 24th day of March, 2011.

By: /s/ Mark Rivera /s/
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