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Filing date: **12/19/2011**

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

Proceeding	91195820
Party	Defendant Nexus Foods, Inc.
Correspondence Address	GAURAV K MOHINDRA 16350 VENTURA BLVD APT 439 ENCINO, CA 91436 5314 UNITED STATES gmohindra@gmail.com
Submission	Other Motions/Papers
Filer's Name	Gaurav Mohindra
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Signature	/Gaurav Mohindra/
Date	12/19/2011
Attachments	Motion to Set Aside Default Judgment.pdf ( 3 pages )(99271 bytes )

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

_____	)	
Kraft Foods Schweiz Holding Gmbh	)	
	)	
Opposer,	)	<b>REQUEST FOR SETTING ASIDE</b>
	)	<b>THE DEFAULT JUDGMENT.</b>
	)	
v.	)	Opposition No. 91195820
	)	
Nexus Foods, INC.,	)	Application Serial No. 77/871684
	)	
a California corporation,	)	
	)	
	)	
Applicant.	)	
_____	)	

**Request for Setting Aside The Default Judgment**

Applicant Nexus Foods, INC (“Applicant”) hereby requests for setting aside a default judgment in accordance with *Fed. R. Civ. P. 55(c)*.

Pursuant to the Board’s order, dated November 22, 2011, and *Fed. R. Civ. P. 55(a)*, a notice of default was entered against Applicant for failure to provide written consent, from Opposer Kraft Foods (“Opposer”), with respect to Applicant’s proposed amendment filed on September 15, 2011. Applicant requests for setting aside the default judgment in accordance with *Fed. R. Civ. P. 55(c)*.

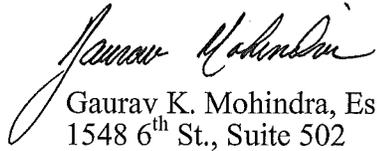
Good cause exists for setting aside the default judgment. *Fed. R. Civ. P. 55(c)*. Opposer provided consent for Applicant’s proposed amendment in September 2011. Upon the Board’s acceptance of the proposed Amendment, Opposer was prepared to cancel the present opposition proceeding, pursuant to an agreement between Applicant and Opposer. Applicant and Opposer have spent a considerable amount of time and resources negotiating and approving a settlement

agreement related to the present Opposition proceeding. Opposer and Applicant wish to abide by the terms of the agreed upon settlement with respect to the present Opposition.

Applicant's failure to indicate Opposer's written consent was due to an oversight by Applicant's attorney, Gaurav Mohindra. Since June 2011, Gaurav Mohindra, has been undergoing treatment for a medical issue which has limited his ability to practice law. In this regard, Gaurav Mohindra has been winding down his practice over the past 5 months. Upon negotiating and approving a settlement agreement with Opposer in September 2011, Gaurav Mohindra was under the impression that the present Opposition proceeding would terminate in a timely fashion. The failure to provide the Board with Opposer's written consent was an inadvertent oversight on behalf of Gaurav Mohindra. Gaurav Mohindra has spoken with Opposer's legal representative, Matthew Griffin, regarding the default judgment entered on November 22, 2011. Mr. Griffin reaffirmed Opposer's consent to the amendment and indicated Opposer's desire to end the present Opposition according to the parties agreed upon settlement.

For the above mentioned reasons, Applicant respectfully requests the Board to set aside the Default Judgment and permit the parties to adhere to their negotiated and consented agreement. In an effort to respect privacy, limited details regarding Gaurav Mohindra's medical issues have been put in the present record. However, should the Board or Interlocutory Attorney wish further details regarding the same, Gaurav Mohindra will provide a detailed account of the same.

Dated: December 19, 2011

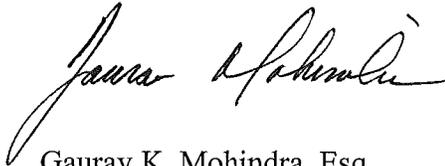


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Attorney for NEXUS FOODS, INC  
a California Corporation.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Request for Setting Aside The Default Judgment has been served on MATTHEW A. GRIFFIN by via email at matthew.griffin@kraftfoods.com and by mailing said copy on December 19, 2011, via First Class Mail, postage prepaid to:

Matthew A. Griffin, Esq.  
Kraft Foods  
Northfield, IL 60093



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