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Filing date: **03/14/2011**

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

Proceeding	91198293
Party	Plaintiff Varsity Spirit Corporation
Correspondence Address	Carissa L. Alden Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES cla@cll.com, asc@cll.com, trademark@cll.com
Submission	Motion for Default Judgment
Filer's Name	Carissa L. Alden
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Signature	/Carissa L. Alden/
Date	03/14/2011
Attachments	SOLAR VARSITY - motion of 3-14-11.pdf ( 3 pages )(10248 bytes )

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

In re Application Serial No. 77/947,833  
Filed: March 1, 2010  
For Mark: SOLAR VARSITY  
Published in the Official Gazette: July 27, 2010

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VARSITY SPIRIT CORPORATION,	:	
Opposer,	:	Opposition No. 91198293
	:	
v.	:	
	:	
JASON PAUL LEWISTON,	:	
Applicant.	:	
	:	
-----X		

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION FOR DEFAULT JUDGMENT**

**MOTION**

Pursuant to Trademark Rule 2.106(a), Opposer hereby moves for a default judgment in this proceeding because Applicant has failed to file a timely answer. In the alternative, should this proceeding be reopened, Opposer requests that the discovery and trial periods be reset.

**MEMORANDUM**

Opposer's motion for default judgment should be granted because Applicant has failed to submit an answer to the Notice of Opposition. The order instituting this opposition was mailed by the Board on January 24, 2011. As the answer was due March 5, 2011 and no answer has been filed or received, and no good cause shown, a default judgment should be entered.

In the event, however, that this proceeding is reopened, Opposer requests that the discovery and trial periods be reset.

Dated: New York, New York  
March 14, 2011

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: Carissa L. Alden/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 14, 2011, I caused a copy of the foregoing Motion for Default Judgment to be sent via First Class Mail, postage paid, to Applicant and Correspondent of Record, Jason Paul Lewiston, 21790 Coolidge Hwy, Oak Park, MI 48237-3156.

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/Carissa L. Alden/

Carissa L. Alden