

ESTTA Tracking number: **ESTTA417081**

Filing date: **06/29/2011**

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

Proceeding	91199783
Party	Plaintiff Varsity Brands, Inc.
Correspondence Address	Arlana S. Cohen 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
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Signature	/Carissa L. Alden/
Date	06/29/2011
Attachments	VARSITY COLOURS - motion for default judgment.pdf (3 pages)(10394 bytes)

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

In re Application Serial No. 77/932,081
Filed: February 9, 2010
For Mark: VARSITY COLOURS
Published in the Official Gazette: January 11, 2011

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VARSITY BRANDS, INC.,	:	Opposition No. 91199783
Opposer,	:	
	:	
v.	:	
	:	
NAVY BLUE CHINA, LLC,	:	
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 May 11, 2011. As the answer was due June 20, 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
June 29, 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 June 29, 2011, I caused a copy of the foregoing Motion for Default Judgment to be sent via First Class Mail, postage paid, to Applicant's Attorney and Correspondent of Record:

Christopher J. Day
Law Office of Christopher Day
9977 North 90th Street, Suite 155
Scottsdale, AZ 85258

/Carissa L. Alden/
Carissa L. Alden