

ESTTA Tracking number: **ESTTA482348**

Filing date: **07/09/2012**

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

Proceeding	91205234
Party	Plaintiff Fluidmaster, Inc.
Correspondence Address	Richard P. Sybert, Susan B. Meyer Gordon & Rees, LLP 101 W. Broadway, Suite 1600 San Diego, CA 92101 UNITED STATES smeyer@gordonrees.com, rsybert@gordonrees.com, mmims@gordonrees.com
Submission	Motion for Default Judgment
Filer's Name	Susan B. Meyer
Filer's e-mail	smeyer@gordonrees.com, mmims@gordonrees.com, rsybert@gordonrees.com
Signature	/Susan B. Meyer/
Date	07/09/2012
Attachments	Motion For Default Judgment and Dec. of Susan B. Meyer.pdf (7 pages)(51184 bytes)

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

In the Matter of Trademark Application)
Serial No. 85/437666)
Filed: October 3, 2011)
Published: March 20, 2012)
By: Bransfield Product USA, LLC)
For the Trademark: TOILET SENTRY)
_____) Opposition No.
)
FLUIDMASTER, INC.,) 91205234
a California corporation)
Opposer,)
v.)
)
BRANSFIELD PRODUCTS USA, LLC)
a Nevada limited liability company)
Applicant.)
_____))
)

MOTION FOR DEFAULT JUDGMENT

Opposer, Fluidmaster, Inc. herein moves for default judgment of opposition to Application Serial No. 85/437666 for the mark TOILET SENTRY. Applicant has failed to answer the Notice of Opposition by the deadline set by the Board.

Opposer filed this opposition proceeding May 21, 2012 and mailed the Notice for service by Federal Express that same day. [Meyer Dec., ¶ 4]. Opposer received confirmation that Applicant signed for the Federal Express package containing the Notice on May 22, 2012. [Meyer Dec., Ex. A].

The Board, in its Case Order, set the Answer due date as June 30, 2012. According to the TTABVUE website, Applicant did not file an answer by the due date. Opposer has not been served with an answer. [Meyer Dec., ¶ 6].

As such, Opposer moves for a default judgment of opposition of Application
Serial No. 85/437666 for the mark TOILET SENTRY

CERTIFICATE OF SERVICE

I hereby certify that **MOTION FOR DEFAULT AND DECLARATION OF SUSAN
B. MEYER IN SUPPORT OF MOTION FOR DEFAULT** is being served by
FEDERAL EXPRESS Mail, to Addressee on July 9, 2012, as follows:

Federal Express No. 798599883462

Bransfield Products USA, LLC
535 Knight Way
La Canada Flintridge, CA 91011

Date of Mailing: July 9, 2012

A handwritten signature in black ink, appearing to read "Monica L. Mims", written in a cursive style.

Monica L. Mims

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)
BRANSFIELD PRODUCTS USA, LLC)
a Nevada limited liability company)
)
Applicant.)
_____))
)

DECLARATION OF SUSAN B. MEYER IN SUPPORT OF
MOTION FOR DEFAULT JUDGMENT

1. I am an attorney at law licensed to practice in the states of California , Colorado, and South Dakota and am a member of the respective State Bars, in good standing. I am licensed to practice before the United States Patent and Trademark Office.
2. I am one of the attorneys for Opposer Fluidmaster, Inc. and as such I have first hand knowledge of the matters stated herein. For any matters stated herein on the basis of information and belief, I believe those matters to be true. Therefore, if called as a witness to testify to the matters stated herein, I could and would so testify.
3. This opposition proceeding was filed May 21, 2012.

4. The Notice of Opposition was mailed for service May 21, 2012 by Federal Express delivery.

5. Attached as Exhibit A is a true and correct copy of the Federal Express receipt indicating the package was signed for by Applicant on May 22, 2012 .

6. Applicant, to this date, has not been served with an Answer to the Opposition.

I declare under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed on July 9, 2012, at Rapid City, South Dakota.

/s/ Susan B. Meyer

Susan B. Meyer

EXHIBIT A

EXHIBIT A

Monica Mims

From: trackingupdates@fedex.com
Sent: Tuesday, May 22, 2012 9:51 AM
To: Monica Mims
Subject: FedEx Shipment 798418872322 Delivered

This tracking update has been requested by:

Company Name: Gordon & Rees LLP
Name: Monica Mims
E-mail: mmims@gordonrees.com

Message: PSShip eMail Notification

Our records indicate that the following shipment has been delivered:

Door Tag number: DT102777464340
Reference: FLUI.1053552-2643
Ship (P/U) date: May 21, 2012
Delivery date: May 22, 2012 9:46 AM
Sign for by: A.ACTERMAN
Delivery location: LA Canada Flintridge, CA
Delivered to: Residence
Service type: FedEx Priority Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Adult Signature Required
Deliver Weekday
Residential Delivery

Tracking number: 798418872322

Shipper Information	Recipient Information
Monica Mims	Bransfield Products USA, LLC
Gordon & Rees LLP	535 Knight Way
101 W. Broadway	LA Canada Flintridge
Suite 1600	CA
San Diego	US
CA	91011
US	
92101	

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[https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=798418872322
&language=en&opco=FX&clientype=ivpodalrt](https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=798418872322&language=en&opco=FX&clientype=ivpodalrt)

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