

ESTTA Tracking number: **ESTTA563583**

Filing date: **10/07/2013**

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

Proceeding	91212057
Party	Plaintiff CBS S.A. - Companhia Brasileira de Sandalias
Correspondence Address	SAMANTHA ROTH AUS GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE NEW YORK, NY 10016 UNITED STATES efiling@grr.com, srothaus@grr.com, dmirman@grr.com, dmuller@grr.com
Submission	Motion for Default Judgment
Filer's Name	Samantha G. Rothaus
Filer's e-mail	efiling@grr.com, srothaus@grr.com, dmirman@grr.com, dmuller@grr.com
Signature	/Samantha G. Rothaus/
Date	10/07/2013
Attachments	Motion for default judgment.pdf(693329 bytes)

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

-----	X	
COMPANHIA BRASILEIRA DE	:	
SANDALIAS S.A.,	:	
	:	
Opposer,	:	
	:	Opposition No. 91/212,057
v.	:	
	:	Serial No. 85/729,957
THIRD ESTATE LLC d/b/a DOPE	:	
COUTURE,	:	
	:	
Applicant.	:	MARK: DOPE
-----	X	

MOTION FOR DEFAULT JUDGMENT

Opposer Companhia Brasileira de Sandalias, S.A. (hereinafter “CBS”), through its attorneys, submits this Motion for Default Judgment against Applicant, Third Estate LLC d/b/a Dope Couture (hereinafter “Applicant” or “Third Estate”) due to its failure to timely file an answer to Opposer’s notice of opposition.

Opposer filed a Notice of Opposition with respect to application serial number 85/729,957 for DOPE, owned by Applicant, and used in connection with shoes and footwear, among other things. Opposer initiated this action on August 16, 2013 and properly served Applicant by its attorney, by email and by first-class mail. The Board subsequently issued trial dates, and indicated that the Applicant’s deadline to answer the Notice of Opposition was September 25, 2013. Applicant failed to file an answer or a request for an extension to file its answer by this deadline.

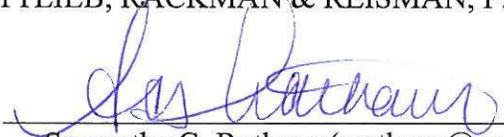
The entry of default judgment is governed by Rule 55 of the Federal Rules of Civil Procedure, which provides that the entry of a default judgment is appropriate where, as here, a

defendant has failed to plead or otherwise defend the action. Fed. R. Civ. P. 55. Because Applicant has failed to plead or otherwise defend the action, default judgment should be entered against it. Furthermore, Applicant's failure to timely answer Opposer's notice of opposition has prejudiced Opposer by causing unnecessary delay and expense.

Wherefore, Opposer CBS requests that its motion for default judgment be GRANTED.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By: 

Samantha G. Rothaus (srothaus@grr.com)

Donna Mirman (dmirman@grr.com)

270 Madison Avenue, 8th Floor

New York, New York 10016

(212) 684-3900 Tel.

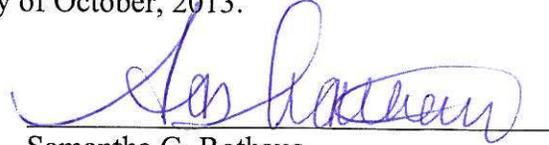
(212) 684-3999 Fax

Dated: October 7, 2013
New York, New York

Attorneys for Opposer

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing Notice of Opposition is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) this 7th day of October, 2013.

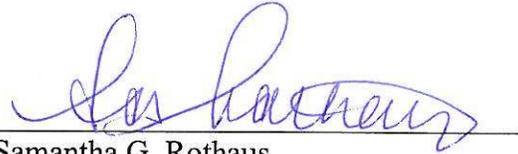


Samantha G. Rothaus

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served by first class mail and email on Applicant, by its attorney, as follows:

Evan Anderson, Esq.
Brand Ventures Intellectual Property Law
2434 Lincoln Boulevard, Floor 2
Los Angeles, CA 90291
evan@bviplaw.com



Samantha G. Rothaus

Dated: October 7, 2013