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

Proceeding	91214591
Party	Plaintiff Smartfoods, Inc.
Correspondence Address	William G. Barber Pirkey Barber PLLC 600 Congress Avenue, Suite 2120 Austin, TX 78701 UNITED STATES bbarber@pirkeybarber.com, pmadrid@pirkeybarber.com, drausa@pirkeybarber.com, tmcentral@pirkeybarber.com
Submission	Motion for Default Judgment
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Date	03/07/2014
Attachments	PDF copy Motion for Default Judgment.PDF(60720 bytes)

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

In Re Serial No. 85/810,715	§	
Mark: SMARTFOODZ	§	
Filed: December 26, 2012	§	Opposition No. 91214591
Published: September 24, 2013	§	
	§	
Smartfoods, Inc.,	§	
	§	
Opposer,	§	
v.	§	
	§	
Trucker Treats, LLC,	§	
	§	
Applicant.	§	

MOTION FOR DEFAULT JUDGMENT

Pursuant to Trademark Rule 2.106(a) and TBMP §§ 312 and 508, Opposer Smartfoods, Inc. (“Opposer”) moves that the Board enter default judgment against Applicant Trucker Treats, LLC (“Applicant”) sustaining this Opposition and refusing registration of Application Serial No. 85/810,715 (the “Application”) for the following reasons:

1. Opposer filed its Notice of Opposition to the Application on January 22, 2014. Opposer concurrently served a copy of the Notice of Opposition on Applicant’s counsel of record by First-Class Mail at the address reflected in the records of the U.S. Patent & Trademark Office.

2. In its scheduling order mailed to the parties on January 22, 2014, the Board notified Applicant’s counsel of the filing of the Notice of Opposition and also ordered that Applicant’s answer to the Notice of Opposition was due on March 3, 2014.

3. As of March 7, 2014, Applicant has not filed or served an answer, requested an extension of time to respond to the Notice of Opposition, or otherwise entered an appearance in this proceeding, and Opposer has not received an answer to its Notice of Opposition, a request

for an extension of time, or any other communication from Applicant. Applicant is therefore in default.

Respectfully submitted,

/Paul Madrid/ Paul Madrid
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing MOTION FOR DEFAULT JUDGMENT was served by first-class mail on March 7, 2014 on Applicant's attorney at the address below:

Alex Patel
Patel & Almeida
16830 Ventura Blvd Ste 360
Encino, CA 91436-1711

/Paul Madrid/ Paul Madrid