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

Proceeding	91217792
Party	Defendant ACP IP, LLC
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Submission	Motion for Default Judgment
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Date	07/15/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Andale Energy Drink Co., LLC,
Opposer,

v.

ACP IP, LLC,
Applicant.

Opposition No.: 91217792
Application Serial No.: 85/891,919

Date of Publication: April 15, 2014
Mark: **DALÉ**

APPLICANT’S MOTION FOR ENTRY OF DEFAULT JUDGMENT

Pursuant to 37 CFR § 2.114(a), Fed.R.Civ.P. 55(b), and the Board’s May 11, 2015 Order (Doc. No. 14), Applicant ACP IP, LLC (“Applicant”) respectfully moves the Board for the entry of Default Judgment against Opposer Andale Energy Drink Co., LLC (“Opposer”), In support of this Motion, Applicant states as follows:

On May 11, 2015, the Board granted Applicant leave to amend its counterclaims in response to Opposer’s Motion to Strike (Doc. No. 6) and Motion to Dismiss (Doc. No. 7). On June 10, 2015, Applicant filed, and served Opposer with, its First Amended Answer to Notice of Opposition, Affirmative Defenses, and Counterclaim (Doc. No. 15). Opposer’s deadline “to answer or to otherwise move in relation thereto” passed on July 10, 2015 (Doc. No. 14).

As of the date of this filing, Opposer has not responded to Applicant’s amended counterclaim based on Opposer’s abandonment of its purported trademark. Consequently, Opposer has failed to comply with the Board’s May 11, 2015 Order. As Opposer has not answered the amended counterclaim to date, has not requested or been granted an extension, and no good cause for not answering exists, Opposer is in default.

WHEREFORE, as Opposer is in default, and as Opposer has failed to show good cause why Default Judgment should not be entered against it, Applicant requests the entry of Default Judgment against Opposer.

Date: July 15, 2015

Respectfully submitted,

FRIEDLAND VINING, P.A.

s/Jaime Rich Vining/

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing **APPLICANT’S MOTION FOR ENTRY OF DEFAULT JUDGMENT** was served upon Opposer by delivering true and correct copies of same to Opposer via First Class U.S. mail on July 15, 2015 as follows:

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s/Jaime Rich Vining/

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