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

Proceeding	91219416
Party	Plaintiff ICON NY Holdings LLC
Correspondence Address	Theodore R. Remaklus Wood, Herron & Evans, L.L.P. 441 Vine Street2700 Carew Tower Cincinnati, OH 45202 UNITED STATES tremaklus@whe-law.com
Submission	Motion for Default Judgment
Filer's Name	Theodore R. Remaklus
Filer's e-mail	tremaklus@whe-law.com
Signature	/theodore r remaklus/
Date	01/06/2015
Attachments	Motion for default judgment.pdf(13867 bytes )

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

_____ )	
ICON NY Holdings LLC )	Opposition No. 91219416
)	
Opposer, )	
)	Application No. 86/281,210, IC 25
v. )	
)	
CANMI, S.A. de C.V., )	
)	
Applicant. )	
_____ )	

**MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Opposer ICON NY Holdings LLC ("ICON") moves the Board pursuant to 37 C.F.R. § 2.106(a) for entry of default judgment on the grounds that Applicant, CANMI, S.A. de C.V. ("CANMI"), has failed to file an answer within the time set by the Board. In support of its Motion, ICON states:

1. On November 20, 2014, ICON filed a Notice of Opposition to Application No. 86/281,210 for the mark ACTIVE BY CANNON in Class 25 for "hosiery, namely, pantyhose, stockings, socks; underwear" (hereinafter "the '210 Application"). The Opposition was filed on the basis that the ACTIVE BY CANNON mark was likely to be confused with the famous CANNON mark owned by ICON.

2. The undersigned sent on November 20, 2014 by first class mail a copy of the Notice of Opposition to Jonathan Pierce, Porter Hedges LLP, P.O. Box 4744, Houston, Texas 7721004744, the correspondence address of record with the USPTO.

3. On November 20, 2014, the Board issued an Order setting December 30, 2014 as the deadline for CANMI to file an Answer to the Notice of Opposition.

4. As of the date of this Motion for Entry of Default Judgment, or January 6, 2015, CANMI has neither filed an Answer to the Notice of Opposition nor requested an extension of time to file such an answer.

5. "[T]he standard for determining whether a default judgment should be entered against the defendant, for its failure to file a timely answer to the complaint, is the Fed. R. Civ. P. 55(c) standard, which requires that the defendant show good cause why default judgment should not be entered against it." TTAB Manual of Procedure § 508, p. 500-37.

6. Because CANMI has failed to file an Answer to the Notice of Opposition within the time permitted, default judgment should be granted to ICON and an order entered sustaining the opposition and ordering that the '210 Application be rejected.

WHEREFORE, ICON NY Holdings LLC respectfully requests that its Motion for Entry of Default Judgment be granted.

Respectfully submitted,

ICON NY Holdings LLC

Date: January 6, 2015

By: /s/ Theodore R. Remaklus

Theodore R. Remaklus  
tremaklus@whe-law.com  
Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
(513) 241-2324  
(513) 241-6234 (Facsimile)

Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Motion for Entry of Default Judgment** has been served by first class mail, postage prepaid, upon Jonathan Pierce, Porter Hedges LLP, P.O. Box 4744, Houston, Texas 77210-4744, the listed correspondence address, this 6th day of January, 2015.

/s/ Theodore R. Remaklus

Theodore R. Remaklus

Attorney for Opposer  
ICON NY Holdings LLC