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

Proceeding	91219717
Party	Plaintiff ICON DE 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
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Date	01/26/2015
Attachments	Motion for default judgment.pdf(16962 bytes)

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

_____)	
ICON DE Holdings LLC)	Opposition No. 91219717
)	
Opposer,)	
)	
v.)	Application No. 86/326,154, IC 25
)	
BRIAN BIRDSONG, NICK BURNHAM,)	
JOHNNY SALDANA, JASON BOYD,)	
SCOTT FORD, CHRIS VANCE,)	
PHILLIP BANKS, JEREMY LIND,)	
GARY PATTERSON,)	
LOGAN NICHOLSON,)	
)	
Applicants.)	
_____)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Opposer ICON DE Holdings LLC ("ICON") moves the Board pursuant to 37 C.F.R. § 2.106(a) for entry of default judgment on the grounds that Applicants, Brian Birdsong, Nick Burnham, Johnny Saldana, Jason Boyd, Scott Ford, Chris Vance, Phillip Banks, Jeremy Lind, Gary Patterson and Logan Nicholson (hereinafter "Applicants"), have failed to file an answer within the time set by the Board. In support of its Motion, ICON states:

1. On December 11, 2014, ICON filed a Notice of Opposition to Application No. 86/326,154 for the mark SOUTHERN MUDD JUNKIES in Class 25 for "Hats; Hooded sweatshirts; Shirts; T-shirts" (hereinafter "the '154 Application"). The Opposition was filed on the basis that the SOUTHERN MUDD JUNKIES mark was likely to be confused with the famous MUDD mark owned by ICON, and likely to dilute the distinctive quality of ICON's MUDD mark.

2. The undersigned served a copy of the Notice of Opposition by first class mail on Logan Nicholson, 920 Twin Bridges Road, Apt. 98, Alexandria, Louisiana 71303, the listed correspondence address on record.

3. On December 11, 2014, the Board issued an Order setting January 20, 2015 as the deadline for Applicants to file an Answer to the Notice of Opposition.

4. As of the date of this Motion for Entry of Default Judgment, or January 26, 2015, Applicants have 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 Applicants have 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 '154 Application be rejected.

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

Respectfully submitted,

ICON DE Holdings LLC

Date: January 26, 2015

By: /s/ Theodore R. Remaklus

Theodore R. Remaklus

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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 Logan Nicholson, 920 Twin Bridges Road, Apt. 98, Alexandria, Louisiana 71303, the listed correspondence address, this 26th day of January, 2015.

/s/ Theodore R. Remaklus

Theodore R. Remaklus

Attorney for Opposer
ICON DE Holdings LLC