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

In the matter of Registration No. **1533233**
Issued on **April 4, 1989**.

Saxifon U.S.A., INC.
Petitioner,

v.

IDD SA
Registrant.

Cancellation No.: **92,043,075**



MAIL STOP TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

06-07-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

**PETITIONER'S MOTION FOR ENTRY OF DEFAULT AND MEMORANDUM IN
SUPPORT THEREOF**

Saxifon, U.S.A., Inc., ("Saxifon"), filed a Petition for Cancellation against Registrant, **IDD SA's** Registration No. **1533233**, believing that it is being damaged by said registration. Registrant's answer was due on or before May 2, 2004.

Saxifon hereby submits this Motion for entry of default judgment pursuant to TBMP Section 312.01 (37 CFR § 2.114(a)) and FRCP 55. Registrant's period for answering expired on May 2, over 30 days ago, and Registrant has not answered or offered any other response.

Petitioner respectfully requests that a default judgment be entered in its favor.

If an answer is not filed within 40 days following notice to the Registrant from the Board of the opposition, then the Board may issue a notice of default. If the Registrant fails to file a response thereto, or files a response that fails to show good cause, then a default judgment may be entered against it. TBMP Section 312.01. (See also 37 CFR Section 2.114(a)). If no answer is filed within the time set, the petition may be decided as in case of default.)

Moreover, as each day passes, witnesses available to the Petitioner with knowledge of Registrant's intentions, business practices, and other relevant and possibly critical facts may have become unavailable. Evidence in Registrant's possession may have been destroyed or lost. In any case, the Board sets time limits in order to facilitate a timely resolution to these disputes, and to assure, to the extent possible, that witnesses and evidence will be available to both sides to effect a timely resolution. Applicant has not responded in any meaningful way to the deadlines set by the Board. Therefore, a default should be entered in Saxifon's favor.

Based on the Motion and memorandum in support thereof, Saxifon respectfully requests that the Board enter a default judgment with prejudice against Registrant **IDD SA**.

Respectfully submitted,



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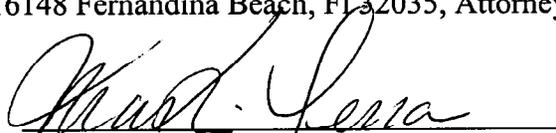
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ATTORNEYS FOR APPLICANT

Dated: June 4, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITIONERS MOTION FOR ENTRY OF DEFAULT AND MEMORANDUM IN SUPPORT** is being deposited with the United States Postal Service as first class mail with sufficient prepaid postage and addressed to CHARLES E. BROWN, Mikolean Morgan Longacre, P.O. Box 16148 Fernandina Beach, FL 32035, Attorney for Applicant, this 4th day of June, 2004.



Martin R. Serra