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

<b>Proceeding</b>	92044040
<b>Party</b>	Plaintiff KARIN MODELS, S.A.R.L. ,
<b>Correspondence Address</b>	STEVEN E. EISENBERG. FELDMANGALE, P.A. 201 SOUTH BISCAYNE BOULEVARD MIAMI CENTER- SUITE 1920 MIAMI, FL 33131
<b>Submission</b>	Motion for Default Judgment
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<b>Date</b>	06/07/2005
<b>Attachments</b>	Motion for Default.pdf ( 4 pages )

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

KARIN MODELS,  
S.A.R.L.,  
A Societa A Responsabilita  
Limitata, Petitioner,

Cancellation Number: 92044040  
Registration Numbers: 2,114,051 and 2,115,957  
Mark: KARIN and KARIN MODELS (and design)  
International Class: 035

vs.

JEAN LUC BRUNEL,

An Individual,  
Respondent.

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**KARIN MODELS, S.A.R.L.'S MOTION FOR DEFAULT JUDGMENT**

Pursuant to T.B.M.P §§ 312 and 508 and to Fed.R.Civ.P 55(c) , Petitioner Karin Models, S.A.R.L. hereby moves for entry of a default judgment against Respondent Jean Luc Brunel for his failure to answer the Petition to Cancel and states as follows:

**Introduction**

After four requests for extension of time to respond to the Petition to Cancel, Respondent has failed to comply with the deadline that he submitted to the Board in its Fourth Motion to Extend Time, *e.g.*, May 30, 2005. Thus, Petitioner is entitled to entry of a default judgment against Respondent for failure to timely answer the Petition to Cancel.

**Factual Background**

1. On January 3, 2005, the Board issued a Scheduling Order ordering Respondent to submit a response to the Petition to Cancel by Monday, February 14, 2005.
2. On Friday, February 11, 2005, counsel for Respondent filed his First Motion to Extend Time, asking for a thirty-day (30) extension of time to respond to the Petition, to and including March 14, 2005.

3. On March 14, 2005, Respondent filed his Second Motion to Extend Time, again asking for an additional thirty (30) days, to and until April 14, 2005, to respond to the Petition. Petitioner did not consent to the Second Motion and on March 21, 2005, filed a response asking that this be the final extension of time for Respondent to respond to the Petition to Cancel.

4. On April 14, 2005, Respondent filed his Third Motion to Extend Time asking for an additional two (2) weeks to respond to the Petition to Cancel, to and including April 28, 2005, which Petitioner consented.

5. On April 28, 2005, Respondent filed his Fourth Motion to Extend Time asking for “a two (2) week extension of time, to and including May 30, 2005.” On May 11, 2005, Petitioner filed a response to this Fourth Motion to Extend Time, requesting that Respondent’s Fourth Motion to Extend Time be denied and ordering Petitioner to respond no later than fifteen (15) days from the date of the Order. The Board has not yet ruled on the Fourth Motion to Extend Time.

6. Even assuming the Fourth Motion to Extend Time is granted, Petitioner is in violation of the deadline that it chose, *e.g.*, May 30, 2005. Thus, entry of default judgment is proper.

#### **Legal Grounds**

T.B.M.P. §§ 312 and 508 provide that Petitioner may file a Motion for Default Judgment and Respondent must show good cause as to why default judgment should not be entered against him. *See DeLorme Publishing Co. v. Eartha’s Inc.*, 60 USPQ 2d 1222, 1224 (TTAB 2000) (motion for default judgment); *see also Paolo’s Associates Limited Partnership v. Paolo Bodo*, 21 USPQ 2d 1899, 1902-1903 (Comm’r 1990).

WHEREFORE, Petitioner respectfully requests that default judgment be entered against Respondent for failure to timely answer the Petition to Cancel.

Respectfully submitted,

**Karin Models, S.A.R.L.**

By: /ews/Erica W. Stump  
Steven E. Eisenberg/ FL Bar No.: 441112  
Erica W. Stump/ FL Bar No.: 427632  
Attorneys for Petitioner

Dated: June 7, 2005

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CERTIFICATE OF MAIL AND CERTIFICATE OF SERVICE

Date of Deposit: June 7, 2005

I HEREBY CERTIFY that this paper is being submitted electronically via the Electronic System for Trademark Trial and Appeals. I further certify that a copy of this paper is being deposited with the United States Postal Service via First Class U.S. Mail in an envelope addressed to H. John Rizvi, Esq., Gold & RIZVI, P.A., 600 N. Pine Island Road, Suite 450, Plantation, Florida 33324.

Erica W. Stump  
(Printed name)

/ews/ Erica W. Stump  
(Signature)