

ESTTA Tracking number: **ESTTA107743**

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

Proceeding	92046325
Party	Plaintiff Facey Commodity Company Ltd. Facey Commodity Company Ltd. ,
Correspondence Address	CLEMENS W. PAULY LANGSTADT PAULY CHARTERED 815 PONCE DE LEON BLVD., SUITE 9-201 CORAL GABLES, FL 33134 pauly@langstadtpauly.com
Submission	Motion for Default Judgment
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Date	11/03/2006
Attachments	Motion for Default.pdf (1 page)(11166 bytes)

COMES NOW, the Plaintiff, by and through its undersigned attorney, and moves the Board to enter a default judgment against Defendant Eudutropolis, Inc. for failure of the Defendant to file an answer or otherwise defend against the Petition for Cancellation and in support thereof states as follows:

1. Plaintiff filed a Petition for Cancellation of the Defendant's mark on September 19, 2006, which was assigned Cancellation No. 92046325. (Docket entry #1).

2. The Trademark Trial and Appeal Board duly notified the Defendant of this Petition with correspondence dated September 20, 2006, and noted the due date for the answer on the docket as October 30, 2006 (Docket entry # 2).

3. To this date, no pleading or paper has been received in response to this Petition for Cancellation.

4. The Board may enter a default judgment against the Defendant for failure of the Defendant to file a timely answer to the Petition. *See* 37 CFR § 2.11(a); Fed. R. Civ. P. 55(a) and 55(b); TBMP §312.01.

5. The Plaintiff has stated sufficient grounds for cancellation of the registration, namely that the Defendant has abandoned the mark due to nonuse.

6. Despite proper notice of this action, the Defendant has failed to plead or otherwise defend.

7. The Plaintiff is therefore entitled to the entry of a default judgment against the Defendant, cancelling the registration of Registration No. 2663677.

WHEREFORE, the Plaintiff asks this Board for the entry of a default judgment against Defendant Edutropolis, Inc. and to cancel in whole the Registration No. 2663677.