

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

In re
Registration No. 2,991,288
For: Zen Spa and Wellness
Center
Issued on September 6, 2005
and
Registration No. 3,195,423
For: Zen Spa and Wellness
Center
Issued on January 9, 2007

ZEN SPA ENTERPRISES INC.
D/B/A
ZEN SPA AND HEALTH STUDIO
Petitioner

v.

BODIES IN MOTION INC.
Registrant

Cancellation No. 92047608

#76578388

MOTION FOR DEFAULT JUDGMENT

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

COMES NOW Petitioner, Zen Spa Enterprises Inc. D/B/A Zen Spa and Health Studio ("Zen Spa"), through its undersigned counsel and respectfully alleges and prays:

1. Pursuant to 37 CFR §§ 2.106(a) and 2.114(a) and TBMP §508, Petitioner moves for default judgment against registrant, Bodies in Motion Inc., for failure to answer or otherwise plead to the petition filed in the above referenced case.



08-07-2007

2. Zen Spa commenced this action on May 25, 2007.

3. On June 5, 2007 the TTAB issued a notice setting the time to answer the petition, providing forty (40) days after the mailing date of the notice, which means, on or before July 16, 2007.

4. To date, registrant, Bodies in Motion, Inc., has failed to file any answer or any other responsive pleading to the petition.

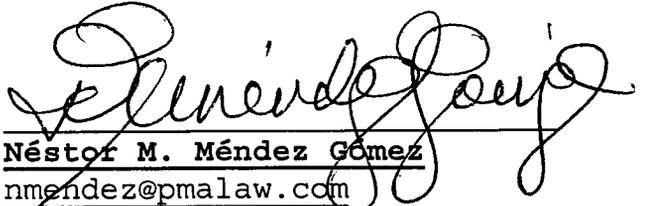
5. Zen Spa requests that the Board, pursuant to 37 CFR §§ 2.106(a) and 2.114(a) and TBMP §508, enter a Default Judgment against Bodies in Motion, Inc. in view of its failure to answer the petition in the period granted by the Board.

WHEREFORE, Petitioner respectfully requests this Board to enter a Default Judgment against Bodies in Motion, Inc., in view of its failure to answer the petition in the period granted by the Board.

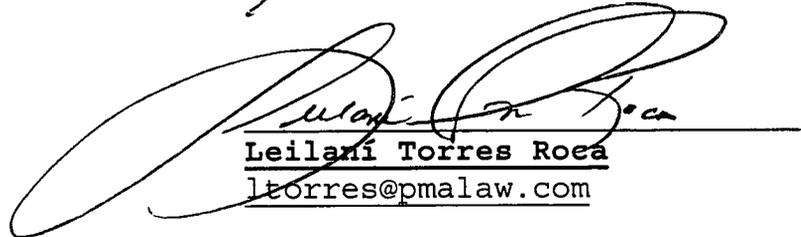
I hereby certify that a true copy of the foregoing Motion for Default Judgment is being deposited with the United States Postal Services, on August 2, 2007, as first class mail in an envelope addressed to: Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451 and to Conrad R. Solum, Jr., 14118 Magnolia Blvd., Sherman Oaks, CA 914231119.

Attorneys for Petitioner
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Zen Spa & Health Studio:

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Date: August 2, 2007.

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