

ESTTA Tracking number: **ESTTA251988**

Filing date: **12/01/2008**

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

Proceeding	92049887
Party	Plaintiff Certification Trendz, Ltd.
Correspondence Address	Robert A. Auchter Dewey & LeBoeuf LLP 1101 New York Avenue, NW, Suite 1100 Washington, DC 20005 UNITED STATES rauchter@dl.com
Submission	Motion for Default Judgment
Filer's Name	Robert A. Auchter
Filer's e-mail	rauchter@dl.com
Signature	/Robert A. Auchter/
Date	12/01/2008
Attachments	Motion for Default Judgment.pdf ( 4 pages )(12822 bytes )

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

CERTIFICATION TRENDZ, LTD.,

Petitioner,

v.

ETECHSOL.COM,

Respondent.

In re Reg. No. 3,329,229

Mark: TEST KING and design

Registration Date: Nov. 6, 2007

Cancellation No.: 92049887

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Arlington, VA 22313-1451

**MOTION FOR DEFAULT JUDGMENT**

Certification Trendz, Ltd., by and through its attorney of record, hereby moves the Board for entry of Default Judgment against the Respondent, eTechsol.com. This motion is made pursuant to 37 C.F.R. § 2.114(a) and Fed. R. Civ. P. 55, and TBMP § 312. In support of its motion, Petitioner hereby states the following:

1. Petitioner's Petition for Cancellation was filed with the Trademark Trial and Appeal Board on September 2, 2008. The petition included the required fee.
2. The Petition for Cancellation was served on the Respondent by Petitioner by overnight courier (DHL) to the address of record on September 2, 2008.
3. On September 4, 2008, the Trademark Trial and Appeal Board set a deadline of October 14, 2008 for Respondent to file an answer. (Docket No. 2)

4. On October 13, 2008, Respondent filed an informal answer failing to respond with direct admissions or denials of any of the allegations in the Petition for Cancellation. (Docket No. 4)

5. On October 22, 2008, the Trademark Trial and Appeal Board struck Respondent's informal answer. (Docket No. 5 at 3). The Trademark Trial and Appeal Board's Order further permitted Respondent to file a proper answer to the petition to cancel in accordance with Fed. R. Civ. P. 8(b) by November 28, 2008, "failing which the Board may issue notice of default against respondent." (*Id.*) The Board also noted that "[s]trict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel." (*Id.* at 5)

6. Respondent has not filed an answer or other responsive pleading in accordance with the Trademark Trial and Appeal Board's order of October 22, 2008. Consequently, Respondent is in default, the allegations of Petitioner's Petition are deemed to be admitted, and Petitioner is entitled to judgment on its Petition.

Based on Respondent's failure to file an answer or other responsive pleading within the period allowed by the Trademark Trial and Appeal Board, Petitioner asks this Board to cancel the Respondent's Reg. No. 3,329,229.

Date: December 1, 2008

Respectfully submitted,

/Robert A. Auchter/

Robert A. Auchter, Esq.

DEWEY & LEBOEUF, LLP  
1101 New York Avenue, NW  
Washington, DC 20005-4213  
(202) 346-7887  
rauchter@dl.com  
ATTORNEY FOR CERTIFICATION  
TRENDZ, LTD.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Petitioner's Motion for Default Judgment was forwarded by overnight courier by depositing the same with DHL on December 1, 2008 to Respondent at the following correspondence address of record with the USPTO:

ETECHSOL.COM

104 N Model Town

Lahore, Punjab 54000

PAKISTAN

/Robert A. Auchter/  
Robert A. Auchter, Esq.