

ESTTA Tracking number: **ESTTA437187**

Filing date: **10/21/2011**

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

|                        |  |
|------------------------|--|
| Proceeding             | 92054462   |
| Party                  | Plaintiff<br>Round Hill Cellars  |
| Correspondence Address | PAUL W REIDL<br>LAE OFFICE OF PAUL W REIDL<br>3300 WYCLIFFE DRIVE<br>MODESTO, CA 95355<br>UNITED STATES<br>paul@reidllaw.com |
| Submission             | Motion for Default Judgment  |
| Filer's Name           | Paul W. Reidl  |
| Filer's e-mail         | paul@reidllaw.com  |
| Signature              | /pwr/  |
| Date                   | 10/21/2011   |
| Attachments            | Lolonis Default.pdf ( 3 pages )(78660 bytes )  |

1 **UNITED STATE PATENT AND TRADEMARK OFFICE**  
2 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

3  
4 Registration No. 2,761,544

5 Trademark: Ladybug Design

6 \_\_\_\_\_ )  
7 **ROUND HILL CELLARS,** )

8 Petitioner, )

9 v. )

10 **LOLONIS WINERY** )

11 Respondent. )  
\_\_\_\_\_ )

Cancellation No. 92054462

**MOTION FOR DEFAULT JUDGMENT**

12 Petitioner, Round Hill Cellars (“RHC”) by and through its counsel, hereby moves for default  
13 judgment against Respondent, Lolonis Winery (“Lolonis”). As grounds for this motion RHC states  
14 as follows:

15 This Petition was filed on September 1, 2011. By Order dated September 6, 2011, the Board  
16 gave Lolonis until October 16, 2011 to Answer or otherwise plead. Lolonis has failed to do so.  
17 Under Federal Rule of Civil Procedure 55 a default judgment is appropriate where the respondent has  
18 not filed a timely Answer and, if an Answer is ultimately filed, fails to show “good cause” for its  
19 failure to file in a timely way. 37 C.F.R. § 2.114(a). The Board may treat this motion as a notice of  
20 default and RHC hereby requests that the Board so treat it.

21 **WHEREFORE**, Petitioner respectfully requests that default judgment be entered against  
22 Lolonis, that this Petition for Cancellation be granted and that Registration No. 2,761,544 be  
23 cancelled.  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Respectfully submitted

Dated: October 21, 2011

**LAW OFFICE OF PAUL W. REIDL**



---

Paul W. Reidl  
3300 Wycliffe Drive  
Modesto, CA 95355  
(209) 526-1586  
[paul@reidllaw.com](mailto:paul@reidllaw.com)

*Attorney for Petitioner, Round Hill Cellars*

1 **PROOF OF SERVICE AND MAILING**

2 On October 21, 2011, I caused to be served the foregoing document described as follows:  
3 **MOTION FOR DEFAULT JUDGMENT** on Respondent in this action by placing a true copy  
4 thereof enclosed in an envelope, postage prepaid, addressed as follows:

5 Lolonis Winery  
6 1905 Road D  
7 Redwood Valley, CA 95470

8 Executed on October 21, 2011, at Modesto, California.

9   
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24