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

Proceeding	92060228
Party	Plaintiff Genex A/C, Inc.
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Submission	Motion for Default Judgment
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Date	12/20/2014
Attachments	Mtn for Default.pdf(38196 bytes )

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

GENEX A/C, INC., a Florida Corporation	§	Cancellation No. 92060228
	§	
Petitioner	§	In the matter of:
	§	
v.	§	Registration No.: 3,988,004
	§	Mark: GENNEX
CERAMIC FUEL CELLS LIMITED, an Australian Company	§	Registered on July 5, 2011
	§	
Registrant	§	

**MOTION FOR DEFAULT JUDGMENT**

The Petitioner Genex A/C, Inc., a Florida corporation (Genex), by and through its undersigned counsel, hereby files this Motion for Default Judgment in this matter and states as follows:

Petitioner, Genex, pursuant to 37 CFR § 2.106(a), hereby moves for default judgment against Registrant, Ceramic Fuel Cells Limited, for failure to answer the Petitioner's complaint during the allotted time. In support of this motion, Petitioner states as follows:

**MEMORANDUM**

On October 8, 2014 Petitioner filed its complaint for cancellation of Registrant's trademark GENNEX with the Trademark Trial and Appeal Board.

The Registrant's answer was due on December 3, 2013 and it has yet to file an answer or file a motion to extend its time to answer. The Trademark Trial and Appeal Board Manual of Procedure § 508 states that "[T]he issue of whether default judgment should be entered against a defendant when it fails to file a timely answer to the complaint may also be raised by means other than the Board's issuance of a notice of default. For example, the plaintiff, realizing that

the defendant is in default, may file a motion for default judgment."

WHEREFORE, Petitioner respectfully requests that this Motion for Default Judgment be granted and a Default Judgment be entered against the Registrant.

Respectfully submitted,

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DATED: December 20, 2014

/s/ Miriam Richter, Esq.  
MIRIAM RICHTER  
FLORIDA BAR NO. 44831