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Filing date: **06/23/2015**

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

Proceeding	92061388
Party	Plaintiff WALNUT STREET ENTERPRISES, LLC.
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Submission	Motion for Default Judgment
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Signature	/Michael J. Curley/
Date	06/23/2015
Attachments	155268_00004_Motion_for_Default_Judgement_2015-06-23.pdf(87538 bytes ) 155268_00004_Brief_ISO_Motion_for_Default_Judgement_2015-06-23.pdf(89451 bytes )

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

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In the matter of U.S. Trademark Registration No. 4,010,856  
Trademark: RENEW-U  
Date of Registration: August 16, 2011

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WALNUT STREET ENTERPRISES, LLC.

Petitioner,

v.

Cancellation No.: 92061388

Registration No.: 4010856

OMNIVIT, INC.

Respondent.

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**MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER**

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Pursuant to Rule 55 of the Federal Rules of Civil Procedure and 37 CFR § 2.114(a), Petitioner respectfully moves for the entry of a judgment by default, cancelling the registration of U.S. Trademark Registration No. 4,010,856 for the RENEW-U trademark. Pursuant to 37 CFR § 2.127(a) and TBMP § 502.02(b), this motion is supported by the accompanying brief filed herewith.

Dated this 23rd day of June, 2015.

Respectfully submitted,

/Michael J. Curley/

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Enterprises, LLC.*

**CERTIFICATE OF SERVICE**

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below, with a copy sent by First Class Mail, to:

OMNIVIT, INC.  
14620 NW 60 Ave  
Miami, FL 33014-2811

And

SPIEGEL & UTRERA, P.A.  
1840 SW 22<sup>nd</sup> Street  
4<sup>th</sup> Floor  
Miami, FL 33145

Date: June 23, 2015

/s/ Victoria Minneman  
Victoria Minneman

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**MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER**

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Petitioner respectfully moves for the entry of a judgment by default cancelling the registration of U.S. Trademark Registration No. 4,010,856 for the RENEW-U trademark.

Petitioner is entitled to a default because Respondent failed to file a timely responsive pleading. Specifically, the Board's scheduling order mailed on April 30, 2015, states that Respondent's Answer in this case was due on June 9, 2015. Respondent has not filed an answer, nor has Respondent filed a motion to extend its time to answer.

Default judgment is warranted under Rule 55, which provides that a default judgment may be entered "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend." Fed. R. Civ. P. 55. Under the facts present here, a judgment by default and the cancellation of the registration of U.S. Trademark Registration No.

4,010,856 for the RENEW-U trademark are appropriate. See Fed. R. Civ. P. 55 and 37 CFR § 2.114(a).

Dated this 23rd day of June, 2015.

Respectfully submitted,

/Michael J. Curley/

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