

ESTTA Tracking number: **ESTTA693425**

Filing date: **09/02/2015**

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

Proceeding	92061883
Party	Plaintiff Cyanotech Corporation
Correspondence Address	GEORGE E DARBY DARBY LAW CORPORATION PO BOX 893010 MILILANI, HI 96789 UNITED STATES pto@teleport-asia.com
Submission	Other Motions/Papers
Filer's Name	George E. Darby
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Signature	/George E. Darby/
Date	09/02/2015
Attachments	CxProc 92061883 MtnDefaultJudg vs NNV 02Sept2015.pdf(133877 bytes) CxProc 92061883 DeclOfGeoEuDarby 02Sept2015.pdf(81599 bytes)

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

Cancellation Proceeding No. 92061883

Cyanotech Corporation
Serial Nos. 85423897, 85423915, and 85423883
and Common Law User

v.

Nutrex nv
Registration Nos. 3798632 and
3849395

Motion for Default Judgment

02 September 2015

Cyanotech's Motion for Default Judgment

1. Comes now Plaintiff Cyanotech Corporation ("Cyanotech") and requests the USPTO Trademark Trial and Appeal Board ("Board") pursuant to Fed. R. Civ. P. Rule 55 and TBMP 508 enter a judgment by default against Defendant Nutrex nv ("Defendant") in Cancellation Proceeding No. 92061883 ("Proceeding").
2. In support of this Motion for Default Judgment, Cyanotech relies upon the record in the Proceeding and the Declaration of George Eugene Darby ("Declaration") submitted herewith. The record and the Declaration show that Cyanotech's Petition to Cancel was filed with the Board, and served on Defendant, on July 16, 2015; the Board instituted the Proceeding on July 23, 2015; the institution order specified that Defendant's Answer must be filed by September 1, 2015; no Answer was lodged in the TTABVUE record of the Proceeding or received by the undersigned by September 1, 2015; and no other defense has been so lodged by the Defendant or received by the undersigned.
3. Wherefore, Cyanotech moves that the Board make and enter a judgment by default against Defendant Nutrex nv for cancellation of Registration Nos. 3798632 and 3849395.

02 September 2015

/George E. Darby/
George E. Darby
Reg. No. 44,053
Darby Law Corporation
Counsel for Plaintiff
CYANOTECH
CORPORATION

Certificate of Service

I hereby certify that a true and complete copy of Cyanotech's Motion for Default Judgment in Cancellation Proceeding No. 92061883 was served on the Defendant listed below via (i) USPS First Class Mail, postage prepaid, and (ii) email.

Nutrex nv
Attn: Kurt Van de Mierop
kurt.vandemierop@nutrex.be
Achterstenhoek 5
Lille, 2275
Belgium
Representative of record for Nutrex nv

02 September 2015

/ George E. Darby /
George E. Darby
Reg. No. 44,053
Darby Law Corporation
Counsel for Plaintiff
Cyanotech Corporation

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Nutrex nv
Registration Nos. 3798632 and
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Declaration of George Eugene Darby

02 September 2015

DECLARATION OF GEORGE EUGENE DARBY

I, George Eugene Darby, declare:

1. I am the attorney for Plaintiff Cyanotech Corporation (“Cyanotech”) in Cancellation Proceeding No. 92061883 (“Proceeding”).
2. Cyanotech’s Petition to Cancel was filed with the USPTO Trademark Trial and Appeal Board (“Board”), and served on Defendant, on July 16, 2015; the Board instituted the Proceeding on July 23, 2015; the institution order specified that Defendant’s Answer must be filed by September 1, 2015; no Answer was lodged in the TTABVUE record of the Proceeding or received by the undersigned by September 1, 2015; and no other defense has been so lodged by the Defendant or received by the undersigned.
3. The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of an application or document or any registration resulting therefrom, declares that he is properly authorized to execute this document on behalf of the Cyanotech; and all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

Executed this 2nd day of September 2015
in Mililani, Hawaii

/George Eugene Darby/

GEORGE EUGENE DARBY