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Filing date: **12/07/2015**

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

|                           |   |
|---------------------------|---|
| Proceeding                | 92062460  |
| Party                     | Plaintiff<br>DougDuell  |
| Correspondence<br>Address | GARY K PRICE<br>700 S GREEN RIVER ROAD, SUITE 2000<br>EVANSVILLE, IN 47715<br>UNITED STATES<br>gprice@tbsblaw.com |
| Submission                | Motion for Default Judgment   |
| Filer's Name              | Gary K. Price   |
| Filer's e-mail            | gprice@tbsblaw.com  |
| Signature                 | /Gary K. Price/   |
| Date                      | 12/07/2015  |
| Attachments               | 92062460.pdf(47632 bytes )  |

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

Doug Duell,  
Petitioner,

v.

Nostalgia Super Stock, Inc.,  
Registrant.

Cancellation No. 92062460  
Registration No. 4707093

BOX TTAB – FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-14513

**MOTION FOR DEFAULT JUDGMENT**

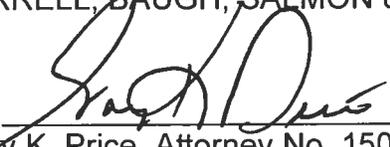
Comes now the Petitioner, Doug Duell, by counsel, and moves this Court for an entry of final Default Judgment against Defendant, Nostalgia Super Stock, Inc., and in support thereof states:

1. On October 19, 2015, Petitioner filed his Complaint in this case, seeking that the mark "NOSTALGIA SUPER STOCK" was generic and incapable of functioning as a registrable trademark and should therefore be cancelled.
2. Service of a summons notifying Defendant of the Complaint was accomplished.
3. Pursuant to this Court's trial schedule, Defendant had until November 29, 2015 to file an Answer to the Complaint.
4. As of today's date, Defendant has not filed responsive pleadings or otherwise complied with this Court's trial schedule nor with the federal rules of civil procedure.
5. Defendant has failed or otherwise refused to comply with this Court's established and reasonable procedural orders.

WHEREFORE, Petitioner, Doug Duell, moves this Court for a final Default Judgment against Defendant, Nostalgia Super Stock, Inc. and an entry cancelling Registration No. 4,707,093, and for all other relief just and proper.

Respectfully submitted,

TERRELL, BAUGH, SALMON & BORN, LLP

By: 

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Gary K. Price, Attorney No. 15051-82  
700 South Green River Road, Suite 2000  
Evansville, IN 47715  
Phone: (812) 479-8721

ATTORNEY FOR PETITIONER, DOUG DUELL

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Motion for Default Judgment has been served on Nostalgia Super Stock, Inc. by mailing said copy on the 7<sup>th</sup> day of December, 2015, via First Class Mail, postage prepaid to Nostalgia Super Stock, Inc., N87 W28288. Scott Lane, Hartland, WI 53029.



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Gary K. Price  
Attorney for Petitioner, Doug Duell