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

Proceeding	92062709
Party	Plaintiff Aptean Canada Corporation
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Submission	Motion for Default Judgment
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Signature	/Melissa Bonnington/
Date	07/11/2016
Attachments	Pivotal.Motion for Default.pdf(23221 bytes )

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

APTEAN CANADA CORPORATION,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92062709
	)	
NEW BIS SAFE LUXCO S.A.R.L.,	)	Mark: PIVOTAL
	)	
Respondent.	)	
	)	

**MOTION FOR DEFAULT JUDGMENT**  
**AND**  
**REQUEST TO SUSPEND REMAINING DEADLINES**

In the matter of Trademark Registration No. 3,983,099 for the mark PIVOTAL, filed on April 10, 2009 and issued on June 28, 2011:

Pursuant to 37 C.F.R. § 2.114(a) and TBMP § 312.01, Petitioner Apteian Canada Corporation, (hereinafter “Petitioner”), a corporation duly organized and existing under the laws of Canada, with a principal place of business at 155 Wellington Street West, Toronto, Ontario M5V3J7, hereby moves for a default judgment against Respondent New Bis Safe Luxco S.A.R.L. (hereinafter “Respondent”) for failure to file a timely Answer or otherwise respond to Petitioner’s Petition for Cancellation.

On November 24, 2015, Petitioner filed its Petition for Cancellation against U.S. Registration No. 3,983,099 and, pursuant to 37 CFR § 2.101(b), mailed a service copy to Respondent at its listed address, 13-15 Avenue de la Liberte, L-1931 Luxembourg, LUXEMBOURG, via United States First Class International Mail, postage prepaid. On November 28, 2015, the Trademark Trial and Appeal Board (hereinafter the “Board”) mailed the Cancellation Schedule which set forth that Respondent’s Answer was due forty days later,

namely, by January 7, 2016. Both Petitioner's service copy and the Board's Cancellation Schedule were returned to the original sender.

Due to this failure of service, the Board suspended the proceedings on January 25, 2016, in order to give notice to Respondent by publication in the Official Gazette. This service by publication was affected on April 19, 2016, giving Respondent thirty (30) days in which to respond. On May 19, 2016, Julianne Abelman and Erica Halstead entered their appearance as counsel for Respondent. The Board thereafter extended Respondent's time to answer until June 26, 2016. Respondent failed to enter any response by June 26, 2016, and to date, Petitioner is not aware that any Answer or other response has been filed.

For the foregoing reasons, Petitioner respectfully moves for a default judgment against Respondent.

Petitioner also hereby moves to suspend all remaining deadlines in the Cancellation proceeding pending the disposition of this Motion for Default Judgment.

WHEREFORE, Petitioner prays that since no answer or other response has been filed within the time set, a default judgment be entered against Respondent, and that, pending the Board's final disposition of this Motion for Default Judgment, all deadlines in this Cancellation proceeding be suspended.

Service of this Motion has been made on Respondent as shown on the attached Certificate of Service.

This 11th day of July, 2016.

Respectfully submitted,

/s/ Lawrence K. Nodine  
Lawrence K. Nodine  
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ATTORNEYS FOR PETITIONER APTEAN  
CANADA CORPORATION

**CERTIFICATE OF SERVICE**

I, Melissa L. Bonnington, hereby certify that on today's date, I caused a copy of the foregoing Motion for Default Judgment and Request to Suspend Remaining Deadlines to be served by United States First Class Mail, postage prepaid, on Respondent by and through its counsel at the following address:

Attn: Erica Halstead  
Abelman, Frayne & Schwab  
666 third Avenue  
New York, NY 10017

Dated: July 11, 2016

/s/ Melissa L. Bonnington  
Melissa L. Bonnington