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

Proceeding	92063072
Party	Plaintiff Cheryl A. Meads
Correspondence Address	DOUGLAS A CHERRY SHUMAKER LOOP & KENDRICK LLP 240 SOUTH PINEAPPLE AVENUE SARASOTA, FL 34236 UNITED STATES dcherry@slk-law.com
Submission	Motion for Default Judgment
Filer's Name	Douglas A. Cherry, Esq.
Filer's e-mail	dcherry@slk-law.com
Signature	/doug cherry/
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Cheryl A. Meads,	)	
	)	
	)	
Petitioner	)	
	)	Cancellation No. 92063072
v.	)	
	)	
SPEFRA GmbH,	)	
	)	
Registrant.	)	
	)	
	)	

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**MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Cheryl A. Meads, (hereinafter “Petitioner”) moves the Board pursuant to 37 C.F.R. §2.114(a) for entry of default judgment on the grounds that Registrant, SPEFRA GmbH, (hereinafter “Registrant”) has failed to file an answer within the time set by the Board. In support of its Motion, Petitioner states:

1. On February 1, 2016, Petitioner filed a Petition for Cancellation of United States Trademark Registration No. 3,832,052 for the mark AAMEN (hereinafter “AAMEN Registration”). The Cancellation was filed on the basis that, upon information and belief, the AAMEN mark is no longer in use anywhere and is no longer in use, or in the alternative, was never in use in commerce in the United States.
2. The undersigned served a copy of the Notice of Opposition by first class mail on SPEFRA GmbH, Glöcklerstra 4/1, Neu-Ulm, D-89233, Germany, the listed correspondence address on record.
3. On February 2, 2016, the Board issued an Order setting March 13, 2016 as the deadline for Registrant to file an Answer to Petition for Cancellation.

4. As of the date of this Motion for Entry of Default, or March 16, 2016, Registrant has neither filed an Answer to the Petition for Cancellation nor requested an extension of time to file such an answer.

5. “If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board may issue a notice of default. The notice states that neither an answer nor any extension of time to answer has been filed; that notice of default under Fed. R. Civ. P. 55(a) is entered; and that defendant is allowed 30 days from the mailing date of the notice in which to show cause why default judgment should not be entered against it. If the defendant fails to file a response to the notice, or files a response that does not show good cause, default judgment may be entered against it. The issue of whether default judgment should be entered against a defendant for failure 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 (in which case the motion may serve as a substitute for the Board’s issuance of a notice of default)” *See* TTAB Manual of Procedure §312.01.

6. “[T]he standard for determining whether a default judgment should be entered against the defendant for its failure to file a timely answer to the complaint, is the Fed.R.Civ.P. 55(c) standard, which requires that the defendant show good cause why default judgment should not be entered against it.” *See* TTAB § 508, p. 500-37.

7. Because Registrant has failed to file an Answer to the Petition for Cancellation within the time permitted, default judgment should be granted to Petitioner and an order entered sustaining the cancellation and ordering that the AAMEN Registration be cancelled.

WHEREFORE, Petitioner respectfully requests that its Motion for Entry of Default Judgment be granted.

Respectfully submitted,

DATED: March 16, 2016

SHUMAKER, LOOP & KENDRICK, LLP  
/s/Douglas A. Cherry

Douglas A. Cherry  
240 South Pineapple Avenue  
Sarasota, FL 34236  
Ph: (941) 364-2738  
Fax: (941) 366-3999  
Email: [dcherry@slk-law.com](mailto:dcherry@slk-law.com)  
Attorneys for Petitioner

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Motion for Entry of Default Judgment** was duly served upon the Registrant by delivering copies thereof, via First Class Mail, addressed to the following owner of record:       SPEFRA               GmbH,  
Glöcklerstra 4/1, Neu-Ulm, D-8923, Germany.

This the 16<sup>th</sup> day of March, 2016.

Respectfully submitted,

/s/Douglas A. Cherry

Douglas A. Cherry  
SHUMAKER, LOOP & KENDRICK, LLP  
Attorneys for Petitioner