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

Proceeding	92071115
Party	Plaintiff Maax Spas Industries Corp.
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Submission	Motion for Default Judgment
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Date	06/04/2019
Attachments	MAAX_SPAS_- MOTION_TO_ENTER_DEFAULT_JUDGMENT_AGAINST_RE GISTRANT.pdf(239148 bytes)

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

In the Matter of Reg. Nos.: 4,523,929 and 4,541,211
For the Trademark: VITRA and design

MAAX SPAS INDUSTRIES CORP.)
 Petitioner,)
)
v.)
)
ECZACIBASI HOLDING ANONIM)
SIRKETI,)
 Registrant.)
)
)

CANCELLATION NO. 92071115

MOTION TO ENTER DEFAULT JUDGMENT AGAINST REGISTRANT

Pursuant to TBMP § 508, Maax Spas Industries Corp., Inc. (“Petitioner”) hereby motions that the Board enter default judgment against Eczacibasi Holding Anonim Sirketi (“Registrant”), as Registrant has failed to answer Petitioner’s Petition for Cancellation during the time allowed therefore.

Petitioner filed its complaint on April 17, 2019, and the instant cancellation proceeding was instituted on April 24, 2019. The Board provided a Time for Answer deadline of June 3, 2019. However, Registrant has not made any filing in this proceeding, let alone an answer, nor has Registrant contacted Petitioner’s counsel regarding potential settlement or an extension of time. This proceeding and Time for Answer deadline should come as no surprise to Registrant, as Petitioner’s United Kingdom and European counsel alerted Registrant’s counsel regarding the filing of this proceeding.

Accordingly, Registrant is in default, and Petitioner respectfully requests that the Board enter default judgment against Registrant and cancel Reg. Nos. 4,523,929 and 4,541,211. *See*

TBMP § 312.01. Petitioner notes that service on Registrant by email cannot be made, as Registrant does not have an email address listed in its correspondence address; therefore, service on Registrant is being provided by manner of Priority Mail Express® Post Office, per 37 CFR § 2.119.

Dated: June 4, 2019

Respectfully submitted,

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AUTHORIZATION TO CHARGE
DEPOSIT ACCOUNT

If, after processing the enclosed correspondence, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 504293.

/Timothy L. Capria/
Timothy L. Capria, Attorney for Petitioner