

ESTTA Tracking number: **ESTTA17980**

Filing date: **10/26/2004**

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

Proceeding	91161782
Party	Plaintiff FINANCIALLYFIT, INC. ,
Correspondence Address	David W. Tufts Durham Jones & Pinegar 111 East Broadway, Suite 900 Salt Lake City, UT 84111 UNITED STATES dtufts@djplaw.com
Submission	Motion for Default Judgment
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Date	10/26/2004
Attachments	2004.10.26 motion for default judgment.pdf (3 pages)

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

In the Matter of Application Serial No. **78319141**
For the mark **SPEND YOUR WAY TO WEALTH**
Published in the Official Gazette of **June 22, 2004**

FinanciallyFit Inc.,

Opposer,

v.

Financial Freedom International, Inc.

Applicant.

MOTION FOR DEFAULT JUDGMENT

Opposition No. 91161782
Serial No. 78319141

MOTION FOR DEFAULT JUDGMENT

Pursuant to 37 C.F.R. § 2.106, and Rule 55, Federal Rules of Civil Procedure, Opposer FinanciallyFit Inc. (“FinanciallyFit”) makes this Motion for Entry of Default Judgment against applicant Financial Freedom International, Inc. (“FFI”), as follows:

1. On October 27, 2003, FFI filed a trademark application for the mark SPEND YOUR WAY TO WEALTH (the “FFI Mark”) in the United States Patent and Trademark Office (“USPTO”) Principal Register for “Debt counseling services” in International Class 36.
2. The FFI Mark was published for opposition in the USPTO Official Gazette on June 22, 2004.
3. FinanciallyFit received an extension until August 21, 2004, to file an opposition to the registration of the FFI Mark on the Principal Register.

4. On August 19, 2004, FinanciallyFit filed a Notice of Opposition to the registration of the FFI Mark. The basis for the opposition is explained in detail in the Notice of Opposition filed by FinanciallyFit.

5. On August 19, 2004, the Trademark Trial and Appeal Board of the USPTO mailed a Notice of Answer Due to counsel of record for FFI, who is Jaylene Sarracino or Radjika Raju, Raju & Sarracino, LLC, Suite 600, 1101 Pennsylvania Avenue, NW, Washington, DC 20004. This Notice advised FFI that an Answer to FinanciallyFit's Notice of Opposition was due to be filed forty days after the mailing of the notice.

6. As of the date of this Motion, FFI has not filed an Answer or any other response to FinanciallyFit's Notice of Opposition.

7. The time for FFI to file an Answer has expired.

NOW, THEREFORE, opposer FinanciallyFit hereby requests that the Trademark Trial and Appeal Board of the USPTO take notice of the default of FFI and enter Judgment against FFI, and in favor of FinanciallyFit, holding that the FFI Mark (Serial No. 78319141) should be refused registration in International Class 36 on the Principal Register.

Dated: October 26, 2004

Attorneys for Opposer

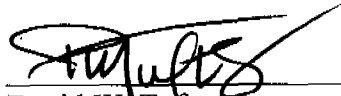


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION FOR DEFAULT JUDGMENT** was served by first class mail on October 26, 2004, addressed to the following:

Jaylene Sarracino
Radjika Raju
Raju & Sarracino, LLC
1101 Pennsylvania Avenue, NW, Suite 600
Washington, DC 20004



David W. Tufts