

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

NEXT REALTY, L.L.C.)	
)	
Opposer.)	Opposition No. 91165673
)	
v.)	
)	Serial No. 78/376,016
OLIVEYE HOTEL LIMITED PARTNERSHIP)	
)	
Applicant.)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451
Attn: TTAB

TTAB

MOTION FOR DEFAULT JUDGMENT

Opposer, Next Realty, L.L.C., hereby moves, pursuant to Rule 2.114(a) for judgment by default on the ground that applicant has not filed an answer or otherwise responded to the Notice of Opposition within the time set.

In an Order dated June 25, 2005, the Board initiated this opposition proceeding and set the time for applicant to answer. Opposer consented to a sixty (60) day extension of time for applicant to answer, up to and including October 4, 2005.

As of November 4, 2005, applicant has not filed an answer or otherwise responded, nor has applicant requested a further extension of time to answer and, thus, applicant is in default.

Therefore, opposer's motion should be granted and a default judgment entered refusing registration of Application Serial No. 78/376,016.

Dated: 11/4/05

By: Joe Schmidt
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the date shown below:

Carol Hothersal
(Typed or Printed Name of Person Signing Certificate)

Carol Hothersal
(Signature)

November 4, 2005
(Date)



11-03-2005

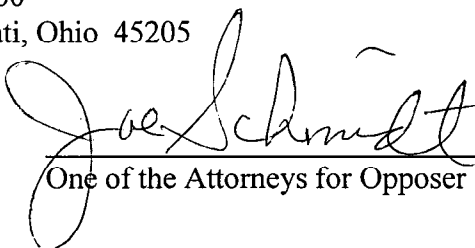
U.S. Patent & TMO/TM Mail Rcpt Dt. #64

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of November, 2005, a true and correct copy of the foregoing **MOTION FOR DEFAULT JUDGMENT** was served via first-class mail, U.S.

Postal Service, postage pre-paid in an envelope addressed to:

Michael A. Marrero, Esq.
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One of the Attorneys for Opposer