

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

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Mailed: September 16, 2006

Opposition No. 91170321

PUMA AG Rudolf Dassler Sport

v.

E.S. Originals, Inc.

**Cheryl Butler, Attorney, Trademark Trial and Appeal Board:**

In accordance with the institution order dated April 12, 2006, applicant's answer was due on May 22, 2006. Having received no answer, opposer filed a motion for entry of default judgment on June 7, 2006. The Board notes that opposer failed to include proof of service of a copy of its motion on applicant, as required by Trademark Rule 2.119(a).<sup>1</sup> Thus, there is no presumption that applicant is aware that a motion for default judgment has been filed, including any awareness of a due date for its response thereto. Accordingly, opposer's motion will not be considered.

Nonetheless, inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its

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<sup>1</sup> To expedite matters, and as a courtesy, a copy of the opposer's motion is included herewith for applicant. Each party is reminded of its obligation to send a service copy of any paper filed herein to the adverse party, and to include proof of service when the paper is filed with the Board.

time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).



ESTTA Tracking number: **ESTTA84247**

Filing date: **06/07/2006**

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

Proceeding	91170321
Party	Plaintiff PUMA AG Rudolf Dassler Sport
Correspondence Address	Lynn A. Sullivan Leydig Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Suite 4800 Chicago, IL 60601-6780 UNITED STATES lsullivan@leydig.com
Submission	Motion for Default Judgment
Filer's Name	Lynn A. Sullivan
Filer's e-mail	lsullivan@leydig.com
Signature	/Lynn A. Sullivan/
Date	06/07/2006
Attachments	Motion for Default.pdf ( 2 pages )(45449 bytes )

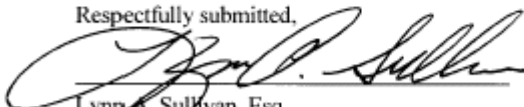
UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Opposition of:	)	
	)	
PUMA AG Rudolf Dassler Sport,	)	
Opposer,	)	Opposition No. 91170321
	)	Serial No. 78/560115
v.	)	
	)	
E. S. Originals, Inc.,	)	
Applicant.	)	
_____	)	

**MOTION FOR DEFAULT**

In the matter of Application Serial No. 78/560115 for the design mark of a strip on an athletic shoe (herein "Formstrip design") in International Class 25, filed February 3, 2005 by E. S. Originals, Inc. (hereinafter "Applicant"), Opposer, PUMA AG Rudolf Dassler Sport, a Joint Stock Company organized and existing under the laws of the Federal Republic of Germany, located and doing business at Wuerzburger Str. 13, Herzogenaurach, Germany D-91074 (hereinafter "Opposer"), filed its Notice of Opposition on April 12, 2006. The applicant was given until May 22, 2006 to file an answer. It does not appear that an answer by Applicant has been filed and therefore, Opposer asks this Board for a default judgment.

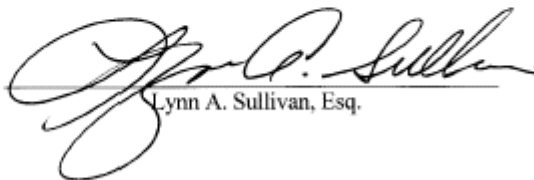
Date: June 7, 2006

Respectfully submitted,  
  
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Attorneys for Opposer  
PUMA AG Rudolf Dassler Sport

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the above document was filed electronically with the Trademark Trial & Appeal Board on June 7, 2006.

  
Lynn A. Sullivan, Esq.