

Ref. No. 21307.035

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

In re Application Serial No. 78/633,150
Filed: May 19, 2005
For Mark: MARINER
Published in the Official Gazette: February 14, 2006

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THE BASEBALL CLUB OF :
SEATTLE, L.P., :

Opposer, :

v. :

SUN BAN FASHIONS, :

Applicant. :

Opposition No. 91172444

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Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451



MOTION FOR DEFAULT JUDGMENT

10-10-2006

U.S. Patent & TMO/c/TM Mail Rpt Dt. #30

MOTION

Pursuant to Trademark Rule 2.106(a), Opposer hereby moves for a default judgment in this proceeding because Applicant has failed to file a timely answer. In the alternative, should this proceeding be reopened, Opposer requests that the discovery and trial periods be reset.

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October 9, 2006 Antoinette Jorge
(Date of Deposit) (Print name)
Antoinette Jorge
(Signature)

MEMORANDUM


Opposer's motion for default judgment should be granted because Applicant has failed to submit an answer to the Notice of Opposition. The order instituting this opposition was mailed by the Board on August 21, 2006. As the answer was due September 30, 2006, and no answer has been filed or received, and no good cause shown, a default judgment should be entered.

In the event, however, that this proceeding is reopened, Opposer requests that the discovery and trial periods be reset.

Dated: New York, New York
October 9, 2006

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Default Judgement was served on Applicant by sending a copy first class, postage prepaid, to Applicant Sun Ban Fashions, Attn: Alex Wu, 600 4th Avenue, Brooklyn, NY 11215 on October 9, 2006.



Mary L. Kevlin